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U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Unemployment Insurance Service
Washington, D.C. 20213

COMPARISON OF STATE UNEMPLOYMENT INSURANCE LAWS

January 3, 1988

To UI **Comparison** Users:

This transmittal begins a series of semiannual revisions reflecting changes in State unemployment insurance laws that became effective since publication of the January 1985 **Comparison.** All pages of the 1985 issue and its revisions should be replaced by the attached pages.

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PREFACE

In the Federal-State system of unemployment insurance established in this country under the Social Security Act, the individual States have been free to develop the particular program that seems best adapted to conditions prevailing within the State. Consequently, no two State laws are alike.

It is important that the public know the details of the employment security program and understand how it functions as a part of the Nation's comprehensive system of social insurance. The **Comparison of State Unemployment Insurance Laws** reports State by State the types of workers and employers that are covered under the State law; the methods of financing the program; the benefits that are payable; the conditions to be met for payment; and the administrative organizations established to do the job. Such specific technical information is essential to an understanding of how the employment security program can make its maximum contribution to individual and family security as well as to the stability of business and of the economy in general.

While the **Comparison** analyzes primarily the State statutes, in certain cases in which general statements in the statutes are implemented by specific statements in rules, regulations, opinions of attorneys general, or court decisions, the latter are included with notes indicating their source.

In the text and tables, "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands in accordance with the definition of State in the Social Security Act and the Federal Unemployment Tax Act.

The Railroad Unemployment Insurance Act, which is administered by the Railroad Retirement Board for railroad workers, is outside of the Federal-State system of unemployment insurance and is not included in this comparison. Benefits are payable to railroad workers for unemployment due to sickness as well as to lack of work under a Federal formula applicable throughout the country.

Six States provide benefits for unemployment due to nonoccupational disability as well as for unemployment due to lack of work. In California, New Jersey, Puerto Rico and Rhode Island, the programs are administered by the unemployment insurance agencies. The Hawaii law is administered separately from unemployment insurance by the Temporary Disability Insurance Division of the Department of Labor and Industrial Relations. The New York law is administered by the State workmen's compensation agency. The laws of these six States are compared briefly in chapter 600.

Since the State employment security agencies are administering the unemployment insurance provisions of ch. 85, title 5, U.S.C., the training allowance and assistance provisions of the Trade Expansion Act (19 U.S.C. 2001), the Work Incentive Program (42 U.S.C. 602), and the Disaster Relief Act (P.L. 91-606), a brief description of these Federal programs is included in chapters 700 and 800.

PREFACE

An overall table of contents and a list of tables can be found at the front of the document. The eight chapters of the **Comparison** deal with the following major subject areas: Coverage (1); Taxation (2); Benefits (3); Eligibility (4); Administration (5); Disability (6); Federal Claims (7); and Readjustment Allowances (8). The numbers in the parentheses are used as prefixes in the page numbering for each of these chapters and appear as the first number in the tables accompanying each chapter.

It is planned to update the material semiannually and only pages which require modification will be issued. These pages will be distributed under cover of a transmittal letter.

The **Comparison** has been issued solely for informational, reference, and research purposes. It should not be considered an official interpretation of the State unemployment insurance laws. The State statutues must be consulted for the full text of State laws. The State rules and regulations, opinions of attorneys general, and administrative and court decisions contain the official interpretations of these laws.

The **Comparison** has been prepared by the Division of Legislation of the Office of Research, Legislation and Program Policies in the Unemployment Insurance Service. It supersedes the **Comparison of State Unemployment Insurance Laws** which was issued on January 3, 1985.

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Abbreviations used in the tables:

AAW--average annual wage
AWW--average weekly wage
BP--base period
BPW--base-period wages
BY--benefit year
consec.--consecutive
CQ--calendar quarter
CY--calendar year
dep.--dependent
DA--dependents allowance
DI--disability insurance
emplmt.--employment
EE--employee
ER--employer
FUTA--Federal Unemployment Tax Act
hr--hour
HQ--high quarter
HQW--high-quarter wages
min.--minimum
max.--maximum
PT--part-time
sched.--schedule
UI--unemployment insurance
WBA--weekly benefit amount
W--week
wk.--week
WF--week of filing
WW--waiting week
yr.--year
AL--Alabama
AK--Alaska
AZ--Arizona
AR--Arkansas
CA--California
CO--Colorado
CT--Connecticut
DL--Delaware
DC--District of Columbia
FL--Florida
GA--Georgia

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HI--Hawaii
ID--Idaho
IL--Illinois
IN--Indiana
IA--Iowa
KS--Kansas
KY--Kentucky
LA--Louisiana
ME--Maine
MD--Maryland
MA--Massachusetts
MI--Michigan
MN--Minnesota
MS--Mississippi
MO--Missouri
MT--Montana
NE--Nebraska
NV--Nevada
NH--New Hampshire
NJ--New Jersey
NM--New Mexico
NY--New York
NC--North Carolina
ND--North Dakota
OH--Ohio
OK--Oklahoma
OR--Oregon
PA--Pennsylvania
PR--Puerto Rico
RI--Rhode Island
SC--South Carolina
SD--South Dakota
TN--Tennessee
TX--Texas
UT--Utah
VT--Vermont
VA--Virginia
VI--Virgin Islands
WA--Washington
WV--West Virginia
WI--Wisconsin
WY--Wyoming

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100. COVERAGE

The coverage provisions of State unemployment insurance laws determine the employers who are liable for contributions and the workers who accrue rights under the laws. Except for nonprofit organizations and governmental entities, coverage is defined in terms of (a) the size of the employing unit's payroll or the number of days or weeks worked during a calendar year, (b) the contractual relationship of the workers to the employer, and (c) the place where the worker is employed. Coverage under the laws is limited by exclusion of certain types of employment. In most States, however, coverage can be extended to excluded workers under provisions which permit voluntary election of coverage by employers.

The coverage provisions of the State laws, in general, have been influenced by the taxing provisions of the Social Security Act, now the Federal Unemployment Tax Act (FUTA), since employers who pay contributions under an approved State unemployment insurance act may credit their State contributions against a specified percentage of the Federal tax.

Other coverage provisions are influenced by the requirements of the Federal law which provide, as a condition for approval of the State law, that certain services, although they continue to be excluded from Federal coverage under the FUTA, must be covered under the State law; i.e., service for most nonprofit organizations and service performed for governmental entities. Prior to 1956, the Federal law was applicable to employers of eight or more workers on at least 1 day in each of 20 different weeks in a calendar year. The size-of-firm criteria was reduced to four in 1956 and to one in 1972. In addition, except for employers of agricultural labor and domestic service, the FUTA is now applicable to employers who during any calendar quarter in the current or immediately preceding calendar year paid wages of $1,500 or more, or to employers of one or more workers on at least 1 day in each of 20 weeks during the current or immediately preceding calendar year. In the case of agricultural labor, the FUTA applies to employers who paid wages in cash of $20,000 or more for agricultural labor in any calendar quarter in the current or preceding calendar year or who employed 10 or more workers on at least 1 day in each of 20 different weeks in the current or immediately preceding calendar year. As for domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, the FUTA applies to any employer who, during any calendar quarter in the current or preceding calendar year, paid wages in cash of $1,000 or more for domestic service. (Table 100)

The Federal and State definitions of employment exclude certain types of service from coverage (sec. 125). Since 1939 railroad workers have been excluded from coverage under the Federal-State system and covered by a special Federal unemployment insurance program administered by the Railroad Retirement Board.

105 Employers Covered

The coverage provisions of most State laws utilize definitions of employing unit and employer. The employing unit is the more inclusive term; it is any individual or any one of specified types of legal entity that had one or more individuals performing service for it within the State. All employing units are subject to the act with respect to the furnishing of required reports. An employer is an employing unit that meets specific requirements and hence is subject to contributions and its workers accrue rights for benefits.

COVERAGE

The employer covered is determined by the number of days or weeks a worker is employed or the amount of the employer's quarterly or yearly payroll. Originally, most State laws covered only those employers who, within a year, had eight or more workers in each of 20 weeks. This was due largely to the coverage provisions of the FUTA. As the States gained experience in administering unemployment insurance and as a result of the 1954 and 1970 amendments to the FUTA smaller firms have been brought under the acts in all States.

Thirty-three States have adopted the Federal definition of employer; i.e., a quarterly payroll of $1,500 in the calendar year or preceding calendar year or one worker in 20 weeks. Ten States provide the broadest possible coverage by including all employers who have any covered service in their employ. The other States have requirements of less than 20 weeks or payrolls other than $1,500 in a calendar quarter (Table 100).

110 Coverage by Reason of a Federal Requirement

The 1970 and 1976 amendments to the FUTA added to the types of services which, as a condition for approval of the State law, must be covered under the State law. This Federal requirement for the extension of coverage differs from an extension of coverage by reason of Federal coverage. If a State law fails to cover services that are covered under the FUTA, the employer must pay the full Federal tax and the employee may get no benefits based on such services, but certification of the State law is unaffected. If, however, a State law fails to cover services which the Federal law requires the State to cover, or excludes services from coverage, the State law would not be approved for purposes of tax credits against the Federal tax and no employer in the State would receive a tax credit for State contributions.

110.01 COVERAGE OF NONPROFIT ORGANIZATIONS.--Service for nonprofit organizations continues to be excluded from coverage under the FUTA, but some service is required to be covered under the State laws. Coverage under State laws is required for service for nonprofit organizations which employ four or more workers in 20 weeks, are organizations which are described in section 501 (c)(3) of the Federal Internal Revenue Code of 1954, and which are exempt from Federal income tax under section 501 (a) of the code. However, a number of States have covered nonprofit organizations under the regular coverage provisions. The State law is required to give each nonprofit organization that must be covered an option on financing benefits. Such nonprofit organizations must be given the right either to reimburse the State for benefits paid or pay contributions under the State law's regular tax provisions.

110.02 COVERAGE OF GOVERNMENTAL ENTITIES.--The Federal law requires that States cover most services for the State and its political subdivisions. When service is performed for an instrumentality owned by more than one State or political subdivision, coverage is determined based on the location of the work. See section 120. States are required to pay compensation based on service with a governmental entity or a nonprofit organization under the same terms and conditions as for other covered services. There are, however, special provisions applicable to school personnel between school terms. See section 450.03 for a discussion of these special provisions. The States are required to provide local governmental entities a choice of financing benefits either through reimbursement, contributions, or any other method deemed feasible by the State (Table 209).

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Since the Federal law includes no size-of-firm restrictions for governmental entities as it does for nonprofit organizations, all governmental entities, regardless of size, must be covered. There are, however, certain types of services which the Federal law permits States to exclude from governmental coverage (Table 104). These include service performed as an elected official; as a member of a legislative body, or a member of the judiciary; as a member of the State National Guard or Air National Guard; as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency; in a position which, under the State law, is designated as a major nontenured policymaking or advisory position or a part-time policymaking position which ordinarily requires 8 or fewer hours a week.

In addition, there are other services which, under Federal law, are permitted to be excluded from coverage when performed for a nonprofit organization or governmental entity. These include services (1) in the employ of a church or an organization operated primarily for religious purposes; (2) by a minister in the exercise of his ministerial duties; (3) by an individual receiving rehabilitation help in a facility which carries out programs for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury; (4) as part of an unemployment work-relief or work-training program financed partially or completely by a governmental entity; or (5) by an inmate of a custodial or penal institution.

115 Employer-Employee Relationship

The relationship of a worker to the person for whom services are performed also influences whether the employer must count the worker in determining liability under the law. In Alabama and Oklahoma the statute defines employee in terms of a master-servant relationship but most State laws do not define or use the word employee. The common law master-servant relationship is the principal consideration in the determination of coverage in four other States: in Kentucky, Minnesota and Mississippi the master-servant concept is only part of the statutory definition of employee status; in the District of Columbia the ordinary rules relating to master-servant apply by regulation. California and New York have a general definition of employment in terms of services performed under "any contract of hire, written or oral, express or implied"; North Carolina, with a similar provision, limits the contract of hire to one creating the legal relationship of employer-employee.

Most of the laws have a broader concept of what constitutes an employer-employee relationship. They have incorporated strict tests of what constitutes such absence of control by an employer that the worker would be classed as an independent contractor rather than an employee. In a few States the effect of these tests has been negated by court decisions holding that if the employer-employee or master-servant relationship is not established, the tests need not be applied. More than half the States provide that service for remuneration is considered employment unless it meets each of three tests: (A) the worker is free from control or direction in the performance of the work under the contract of service and in fact; (B) the service is performed either outside the usual course of the business for which it is performed or is performed outside of all places of business of the enterprise for which it is performed; and (C) the individual is customarily engaged in an independent trade, occupation, profession, or business. A few States require the first or third test only; other States, any one of them; some States, the first and one other (Table 102).

120 Location of Employment

With 53 jurisdictions operating separate unemployment insurance laws, it is essential to have a basis for coverage that will keep individuals who work in more than one State from falling between two or more State laws and will also prevent the requirement of duplicate contributions on the wages of a single individual. Therefore, the States have adopted a uniform definition of employment in terms of localization of work. This definition provides for coverage of the entire services in one State only, the State in which the multistate worker will most likely look for a job when unemployed. Under this definition of the localization of employment, a traveling salesperson, living in Michigan and working for a firm with headquarters in New York, would be considered to have the services localized in Michigan and covered there if all the work was there or if most of it was there and the work outside the State was incidental and temporary. If the services cannot be considered to be localized in any one State, the entire service can still be covered in one State--in New York from which the services are directed if some work is performed there, or in Michigan if some work is performed there and in other nearby States.

If an individual performs no service in the State where the base of operations is located, none in the State from which the service is directed or controlled, nor in the State where the individual resides, then under the additional test the service would be covered in the State where the base of operations is located.

120.01 ELECTION OF COVERAGE OF SERVICES PERFORMED OUTSIDE THE STATE.--The laws of most States permit employers to elect coverage of workers who perform their services entirely outside the State if they are not covered by any other State or Federal unemployment insurance law. Of the States permitting such elections, residence is required in the State of election in all but Connecticut, Illinois, Indiana, Michigan, Nebraska, Oregon, Pennsylvania, and Wisconsin.

120.02 COVERAGE OF SERVICES PERFORMED OUTSIDE THE UNITED STATES.--Prior to the 1970 amendments to the FUTA, employment included only services performed within the United States, with the exception of certain services performed in connection with an American vessel or aircraft. With respect to services performed after 1971, the Federal law also covers services performed outside the United States by an American citizen for an American employer. Coverage of such services is not applicable to services performed in a contiguous country with which the United States has an agreement relating to unemployment insurance (Canada).

In determining the State of coverage, the following four tests are applicable: (A) the State in which the employer has the principal place of business; (B) the State in which the employer has residence; (C) the place in which the employer elects coverage; or (D) the State in which the individual files a claim.

120.03 ELECTION OF COVERAGE THROUGH RECIPROCAL COVERAGE ARRANGEMENTS.--To provide continuity of coverage for individuals working successively in different States for the same employer, most States have adopted legislation which enables them to enter into reciprocal arrangements with other States and under which such

services are covered in a single State by election of the employer. The arrangements permit an employer to cover all the services of such a worker in any State in which any part of the service is performed or the place of residence or where the employer maintains a place of business. Forty-six[1] States are participating under such arrangements.

Services covered under the terms of reciprocal arrangements are typically those performed by individuals who contract by the job and whose various jobs are in different States. An engineer, who works for an Illinois firm on a construction job in Minnesota which lasts for 6 months and who then goes to Texas on a job for 9 months, might be covered by both the Minnesota and Texas laws, respectively, for the services performed in each. Under the reciprocal arrangement, the Illinois employer could elect to have all services performed by this engineer covered by the Illinois law.

All the States have provisions for the election of coverage of services outside the State not covered elsewhere or of services allocated to the State under a reciprocal agreement.

125 Employments Specifically Excluded

Employment covered by the State laws is defined mainly in terms of services excluded from coverage. The definitions, in general, follow the exclusions under the FUTA.

This section presents a brief discussion of each of the exclusions which occur in all or nearly all the State laws, followed by a tabulation of the other more frequent exclusions (Table 103). A great many miscellaneous exclusions, which occur in only a few States and affect relatively small groups, have been omitted.

125.01 AGRICULTURAL LABOR.--Most States have followed the Federal law provisions relating to agricultural labor and therefore limit coverage to service performed on large farms. Only eight States cover services on smaller farms (Table 100). Most of the laws include substantially the same definition of agricultural labor that is found in the FUTA, as amended in 1939, 1970, and 1976.

Prior to the 1939 amendments, agricultural labor was defined for purposes of the Federal law by administrative regulation of the Bureau of Internal Revenue. Services on a farm in the raising and harvesting of any agricultural produce were excluded, as were services in some processing and marketing activities when performed for the farmer who raised the crop and as an incident to primary farming operations. Most of the States similarly defined agricultural labor by regulation or interpretation. The definition of agricultural labor added to the FUTA in 1939 broadened the exclusion; some processing and marketing activities were excluded whether or not they were performed in the employ of the farmer. Also excluded were services in the management and operation of a farm, if they were performed for the farm owner or operator.

The 1970 amendments to the FUTA narrowed the definition of agricultural labor, thereby extending coverage to some marginal agricultural activities. Three tests are applied in determining whether services are agricultural labor: (1) the service

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[1]/All except Alaska, Connecticut, Kentucky, Mississippi, New Jersey, New York, and Puerto Rico.

must be performed in the employ of the operator of a farm; (2) the service must be performed with respect to a commodity in its unmanufactured state; and (3) the operator must have produced more than one-half of a commodity with respect to which the service is performed. If any of the three tests is not met, the services are not agricultural labor and are not excluded from coverage.

The 1976 amendments did not change the definition of agricultural labor--they did, however, cover agricultural labor if performed for an employer who, in any calendar quarter in the current or preceding calendar year paid cash remuneration of $20,000 or more for individuals employed in agricultural labor, or who on each of some 20 days in 20 different weeks during the current or preceding calendar year employed at least 10 individuals in agricultural labor. States also have the option of excluding from coverage service performed in agricultural labor before January 1, 1993, by aliens who are admitted to the United States pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act (Table 100). However, these aliens are counted in determining whether an agricultural employer meets the wage or size of firm requirements for coverage.

In connection with the extension of coverage to some agricultural workers, the FUTA established a special rule for determining who will be treated as the employer, and therefore, liable for the Federal tax, in the case of agricultural workers who are members of a crew furnished by a crew leader to perform services in agricultural labor for a farm operator. Individuals who are members of a crew furnished by a crew leader to perform service in agricultural labor for a farm operator are treated as employees of the crew leader if the leader is registered under the Migrant and Seasonal Agricultural Protection Act, or if substantially all the members of the crew operate or maintain mechanized equipment furnished by a crew leader. A member of a crew furnished by a crew leader to perform service in agricultural labor for a farm operator will not be treated as an employee of the crew leader if the individual is an employee of the farm operator within the meaning of the State law. Conversely, any worker who is furnished by a crew leader to perform service in agricultural labor for a farm operator but who is not treated as an employee of the crew leader is treated as an employee of the farm operator. This special rule is intended to resolve any question as to whether an individual's employer is the farm operator or crew leader. The same size-of-firm coverage provisions (10 in 20 weeks or $20,000 in a calendar quarter) apply to a crew leader as to a farm operator.

South Carolina excludes from agricultural coverage services performed by students enrolled in and attending classes in a secondary school or an accredited college for at least 5 months during a year and by part-time individuals who at the conclusion of the agricultural labor would not otherwise qualify for benefits.

125.02 DOMESTIC SERVICE.--Because of the 1976 amendments, all of the States cover domestic service in private homes, college clubs or fraternities if the quarterly remuneration, in cash, equals or exceeds $1,000. Four States go beyond the Federal provision. The District of Columbia, New York and the Virgin Islands cover such service if the quarterly payroll is at least $500 and Hawaii if the payroll is $225 or more. See table 100. Also, California specifically includes in domestic coverage in-home supportive services provided under the Welfare and Institution Code. Maine excludes homeworkers in the knitted outerwear industry. Virginia specifically excludes from domestic coverage medical services performed by an individual employed to perform those services in a private residence or a medical institution if the person who employed the individual is also the person receiving the services, and services performed under agreement with a Public Human Service Agency in the home of the recipient of the service or the provider of the service.

125.03 SERVICE FOR RELATIVES.--All States exclude service for an employer by a spouse or minor child and, except in New York, service of an individual in the employ of a son or daughter.

125.04 SERVICE OF STUDENTS AND SPOUSES OF STUDENTS.--Prior to the 1970 amendments, service in the employ of a school, college or university by a student enrolled and regularly attending classes at such school was excluded from the definition of employment. The 1970 amendments retained this exclusion and also excluded service performed after December 31, 1969, by a student's spouse for the school, college or university at which the student is enrolled and regularly attending classes, provided the spouse's employment is under a program designed to give financial assistance to the student, and the spouse is advised that the employment is under such student-assistance program and is not covered by any program for unemployment insurance. Also excluded is service by a full-time student in a work-study program provided that the service is an integral part of the program. Seven States[1/] exclude services performed by a full-time student in the employ of an organized camp if the services meet certain criteria.

125.05 SERVICE OF PATIENTS FOR HOSPITALS.--The 1970 amendments excluded service performed for a hospital after December 31, 1969, by patients of the hospital. Such service may be excluded from coverage under the State law whether it is performed for a hospital which is operated for profit or for a nonprofit or State hospital which must be covered under the State law.

125.06 SERVICE FOR FEDERAL INSTRUMENTALITIES.--An amendment to the FUTA, effective with respect to services performed after 1961, permits States to cover Federal instrumentalities which are neither wholly nor partially owned by the United States, nor exempt from the tax imposed under section 3301 of FUTA by virtue of any other provision of law which specifically refers to such section of the Code in granting such exemptions. All States except New Jersey have provisions in their laws that permit the coverage of service performed for such wholly privately owned Federal instrumentalities.

125.07 MARITIME WORKERS.--The FUTA and most State laws initially excluded maritime workers, principally because it was thought that the Constitution prevented the States from covering such workers. Supreme Court decisions in **Standard Dredging Corporation v. Murphy and International Elevating Company v. Murphy**, 319 U.S. 306 (1943), were interpreted to the effect that there is no such bar. In 1946 the FUTA was amended to permit any State from which the operations of an American vessel operating on navigable waters within or within and without the United States are ordinarily regularly supervised, managed, directed, and controlled, to require contributions to its unemployment fund under its State unemployment compensation law.

Some States whose laws did not specifically exclude maritime workers automatically covered such workers after 1943. In others, coverage was automatic after 1946 because of provisions that State coverage would follow any extension of Federal coverage. Many other States took legislative action to limit the exclusion of maritime service to service performed on non-American vessels. At present most laws provide for coverage of maritime workers. In the only coastal States without such statutory coverage, maritime workers are covered indirectly. New York has entered into reciprocal arrangements covering such workers, and in Maryland, Mississippi, and South Carolina, maritime employers have elected coverage. In Arizona, Montana, Nevada and North Dakota, the exclusion of maritime workers has little meaning.

1/ Calif., Maine, Oreg., Tenn., Tex., Vt., Va..

125.08 COVERAGE OF SERVICE BY REASON OF FEDERAL COVERAGE.--Most States have a provision that any service covered by the FUTA is employment under the State law (Table 101).

Many States have added another provision that automatically covers any service which the Federal law requires to be covered even though it is service which is not covered under the Federal law.

125.09 VOLUNTARY COVERAGE OF EXCLUDED EMPLOYMENTS.--In all States except Alabama, Massachusetts, and New York, employers, with the approval of the State agency, may elect to cover most types of employment which are exempt under their laws. The New York law permits employers who are not otherwise covered as agricultural employers to elect coverage of agricultural workers under certain conditions. New York also permits coverage of services performed by an individual employed at a place of religious worship.

125.10 SELF-EMPLOYMENT.--Employment, for purposes of unemployment insurance coverage, is employment of workers who work for others for wages; it does not include self-employment. Although the protection of the Federal old-age, survivors and disability insurance program has been extended to most of the self-employed, protection under the unemployment insurance program is not feasible, largely because of the difficulty of determining whether in a given week a self-employed worker is unemployed. One small exception has been incorporated in the California law. A subject employer may apply for self-coverage: if election is approved, wages for purposes of contributions and benefits are deemed to be the quarterly wages needed to qualify for the maximum weekly benefit amount and the contribution rate is fixed at 1.25 percent of wages.

130 Coverage of Officers of Corporations

Under the FUTA an officer of a corporation is defined as an employee of the corporation and wages paid to the employee are subject to the Federal Tax. However, some States have enacted exclusions from coverage and restrictions on benefits for corporate officers.

In California an individual who is the sole stockholder or the only stockholder other than the spouse and those who are related by marriage or blood to all other stockholders and who own 25 percent of the stock of a private corporation and an employee under the law may file a statement disclaiming any rights to benefits and be exempt from contributions. The exemption continues for not less than 2 years and as long as the statement is in effect. The permission to file a statement for exemption will only be in effect until January 1, 1989.

California and Iowa exempt services performed by an individual in the employ of a corporation of which he is the majority or controlling shareholder and an officer if not subject to FUTA. Alaska has a similar provision but services are exempt only if the corporation is not a governmental entity and the employee is an executive officer of the corporation. Minnesota exempts an officer or shareholder of a family agricultural corporation unless the corporation is an employer defined under FUTA.

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Delaware exempts services performed by an officer of a corporation organized and operated exclusively for social or civic purposes and only when the services performed by the officer are part-time and when the remuneration received does not exceed $75 in any calendar quarter. Also, exempts services performed by corporate officers when one-half or more of the ownership interest was owned or controlled directly or indirectly by the individual's spouse, child or parent if the individual is under 18; or when one-fourth or more of the ownership interest was owned or controlled, directly or indirectly by the individual; or when no more than 4 officers of a corporation request exemption from coverage.

Washington exempts services performed by corporate officers. However, this exemption does not apply to corporate officers employed by nonprofit or governmental employers.

In Hawaii an individual will not be eligible for benefits if an owner-employee of a corporation brings about his/her unemployment by divesting ownership, leasing the business interest, terminating the business, or by other similar actions.

Michigan limits benefits payable based on services performed in a family corporation in which the individual or his/her son, daughter, spouse or parent owns more than 50 percent of the proprietary interest in the corporation to no more than 10 weeks.

In Minnesota an individual who has been paid four times his weekly benefit amount may not use wages paid by an employing unit if the individual (a) individually or jointly with a spouse, parent or child owns or controls 25 percent or more interest in the employing unit or (b) is the spouse, parent or minor child of any individual who owns or controls 25 percent or more interest in the employing unit, and (c) is not permanently separated from employment.

In Texas an individual will not be eligible for benefits from the date of the sale of a business and until he is reemployed and eligible for benefits based on the wages received through the new employment if the business was a corporation and the individual was an officer or a majority or controlling shareholder in the corporation and was involved in the sale of the corporation; or if the business was a limited or general partnership and the individual was a limited or general partner who was involved in the sale of the partnership, or the business was a sole proprietorship and the individual was the proprietor who sold the business.

In Wisconsin credit weeks based on corporation employment if more than 5 are reduced to 5 when the individual's employment is with a corporation if one-half or more of the ownership interest in the corporation is or during the employment was owned or controlled by the individual's spouse or child, or by the individual's parent if the individual is under age 18, or by a combination of 2 or more of them; or a corporation, if one-fourth or more of the ownership interest in the corporation is or during the employment was owned or controlled by the individual. Wisconsin also permits a corporate employer having taxable payrolls of $200,000 or less to elect not to have the principal officers covered if the officers have a direct or indirect substantial ownership interest in the corporation.

Employers of corporate officers are liable for the full Federal tax on wages paid to these individuals whose services are covered under the Federal law but are excluded from coverage by State law.

(Next page is 1-13)

Table 100.--Definition of Employer

State	Agricultural	Domestic	Nonprofit Organization	All other Employers--one employee	
	10 employees in 20 weeks or $20,000 in a CQ unless otherwise specified (8 States)	$1,000 in a CQ unless otherwise specified (6 States)	One or more[2] (21 States)	Minimum period of time or payroll	Alternative conditions[3]
(1)	(2)	(3)	(4)	(5)	(6)
Ala.	. . . . .	. . . .	. . . . .	20 weeks	. . . . .
Alaska	. . . . .	. . . .	. . . . .	Any time	. . . . .
Ariz. [5]	. . . . .	. . . .	. . . . .	20 weeks	. . . . .
Ark.	. . . . .	[1]	X	10 days	None
Calif.	1 at anytime and wages in excess of $100 in a CQ[1]	. . . .	X	Over $100 in qtr.	. . . . .
Colo. [5]	. . . . .	. . . . .	. . . . .	Any time	. . . . .
Conn.	. . . . .	. . . . .	X	20 weeks	. . . . .
Del.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
D.C.	1 at anytime	$500 in CQ	X	Any time	. . . . .
Fla. [5]	5 in 20 wks or $10,000 in a CQ	. . . . .	. . . . .	20 weeks	. . . . .
Ga.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Hawaii	. . . . .	$225 in CQ to one employee	X	Any time	. . . . .
Idaho [5]	. . . . .	. . . . .	X	20 weeks	$300 in qtr.
Ill.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Ind.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Iowa	. . . . .	. . . . .	X	20 weeks	. . . . .
Kans.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Ky.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
La.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Maine	[1][4]	[1]	. . . . .	20 weeks	. . . . .

(Table continued on next page

Table 100.--Definition of Employer (Continued)

State	Agricultural	Domestic	Nonprofit Organization	All other Employers--one employee	
	10 employees in 20 weeks or $20,000 in a CQ unless otherwise specified (8 States)	$1,000 in a CQ unless otherwise specified (6 States)	One or more[2] (21 States)	Minimum period of time or payroll	Alternative conditions[3]
(1)	(2)	(3)	(4)	(5)	(6)
Md.	. . . . .	. . . . .	X	Any time	. . . . .
Mass.	. . . . .	. . . . .	X	13 weeks	. . . . .
Mich.	. . . . .	. . . . .	X	20 weeks	$1,000 in CY
Minn. [4]	4 in 20 wks. or $20,000 in a CQ[1]	[1]	X	20 weeks	. . . . .
Miss.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Mo.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Mont.	. . . . .	. . . . .	X	Over $1,000 in yr.	. . . . .
Nebr.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Nev.	. . . . .	[6]	X	$225 in qtr.	. . . . .
N.H.	[6]	. . . . .	X	20 weeks	. . . . .
N.J.	. . . . .	. . . . .	X	$1,000 in yr.	. . . . .
N. Mex.	. . . . .	$500 in CQ	. . . . .	20 weeks	$450 in qtr.
N.Y.	. . . . .	. . . . .	. . . . .	$300 in qtr.	. . . . .
N.C. [5]	. . . . .	$1,000 per individual or $1,500 for 2 or more	. . . . .	20 weeks	. . . . .
N. Dak.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Ohio	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Okla.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Oreg. [5]	. . . . .	. . . . .	X	18 weeks	$225 in qtr.
Pa.	. . . . .	. . . . .	X	Any time	. . . . .
P.R.	1 or more at any time	X	X	Any time	. . . . .
R.I.	1 or more at any time	. . . . .	X	Any time	. . . . .

(Table continued on next page)

Table 100.--Definition of Employer (Continued)

State	Agricultural	Domestic	Nonprofit Organization	All other Employers--one employee	
	10 employees in 20 weeks or 20,000 in a CQ unless otherwise specified (8 States)	$1,000 in a CQ unless otherwise specified (6 States)	One or more[2] (21 States)	Minimum period of time or payroll	Alternative conditions[3]
(1)	(2)	(3)	(4)	(5)	(6)
S.C.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
S. Dak.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Tenn.[5]	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Tex.	3 in 20 wks. or $6,250 in a CQ	. . . . .	. . . . .	20 weeks	. . . . .
Utah	. . . . .	. . . . .	. . . . .	$140 in qtr.	. . . . .
Vt.[5]	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Va.[5]	[1]	. . . . .	. . . . .	20 weeks	. . . . .
V.I.	1 or more at any time	$500 in CQ	X	Any time	. . . . .
Wash.	[1]	[1]	X	Any time	. . . . .
W. Va.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Wis.	. . . . .	. . . . .	. . . . .	20 weeks	. . . . .
Wyo. [5]	. . . . .	. . . . .	. . . . .	Over $500 in yr.	. . . . .

[1] Includes other than cash remuneration.
[2] All other States cover nonprofit organizations that employ 4 or more in 20 weeks as required by Federal law.
[3] Or a quarterly payroll of $1,500, unless otherwise specified.
[4] Agricultural labor performed by an individual 16 yrs. of age or younger is excluded from agricultural coverage unless the employer is covered under the Federal law, Minn.; agricultural labor performed by an alien in the harvesting of apples is excluded from agricultural coverage, Maine.
[5] States noted exclude alien agricultural workers until January 1, 1993.
[6] Coverage on elective basis only, N.H..

TABLE 101.--State Coverage Resulting from Changes in Federal Laws

State	Employer includes any employing unit		Employment includes any service	
	Liable for any Federal tax	Required to be covered under any Federal law	Liable for any Federal tax	Required to be covered under Federal law
(1)	(2)	(3)	(4)	(5)
Ala.	X	X	X	X
Alaska	1/	X	X	X
Ariz.	X	X	X	X
Ark.	X	X	X	X
Calif.	. . . . .	. . . . .	. . . . .	. . . . .
Colo.	X	X	X	X
Conn.	X	X	X	X
Del.	X	X	X	X
D.C.	1/	. . . . .	X	X
Fla.	X	X	X	X
Ga.	X 2/	X 2/	X 3/	. . . . .
Hawaii	1/	. . . . .	X	X
Idaho	. . . . .	. . . . .	X	X
Ill.	X	X	X	X
Ind.	X	X	X	. . . . .
Iowa	X	X	X	X
Kans.	X	X	X	X
Ky.	X	X	X	X
La.	X	X	X	X
Maine	X	X	X	X
Md.	X	X	. . . . .	. . . . .
Mass.	X 4/	. . . . .	. . . . .	. . . . .
Mich.	X	. . . . .	X 4/	X 4/
Minn.	X	X	X	X
Miss.	. . . . .	. . . . .	X	X
Mo.	X	X	X	X
Mont.	X	X	. . . . .	. . . . .
Nebr.	X	X	X	X
Nev.	X	. . . . .	X	X
N.H.	X 5/	. . . . .	X 5/	. . . . .
N.J.	X	X	. . . . .	X
N.Mex.	X	X	X	X
N.Y.	. . . . .	. . . . .	. . . . .	. . . . .
N.C.	X	X	X	X
N.Dak.	X	X	X	X
Ohio	X	X	X	X
Okla.	X	X	X	X
Oreg.	. . . . .	. . . . .	X	X
Pa.	1/	. . . . .	X	X
P.R.	X	X	X	. . . . .
R.I.	X	X	X	X
S.C.	. . . . .	. . . . .	. . . . .	. . . . .

(Table continued on next page)

TABLE 101.--State Coverage Resulting from Changes in Federal Laws (Cont.)

State	Employer includes any employing unit		Employment includes any service	
	Liable for any Federal tax	Required to be covered under any Federal law	Liable for any Federal tax	Required to be covered under Federal law
(1)	(2)	(3)	(4)	(5)
S.Dak.	. . . . .	. . . . .	X	X
Tenn.	X	. . . . .	X	X
Tex.	X	X	. . . . .	. . . . .
Utah	X	X	X	X
Vt.	X	X	X	X
Va.	X	X	X	X
V.I.	1/	. . . . .	X	X
Wash.	X	X	. . . . .	. . . . .
W.Va.	X	. . . . .	X 4/	X
Wis.	X	X	X	. . . . .
Wyo.	X	X	X	X

1/ No such provision; none needed since State law covers employers of one or more workers at any time.

2/ Law states that nothing shall be construed to require identical coverage to the FUTA.

3/ Remuneration for services performed in the State and subject to the FUTA defined as wages for employment.

4/ Not applicable to classes of employers whose inclusion would adversely affect efficient administration or impair fund Mass.; to service performed by a student in a work-study program, or part-time service by a minor student, or by a member of a band or orchestra Mich.; or to agricultural labor and domestic service W.Va..

5/ Elective coverage under State law for agricultural and domestic services and employers, N.H..

Table 102.--Coverage as Determined by Employer-Employee Relationship

State	Services considered employment unless-			Other provisions
	Workers are free from control over performance	Service is outside regular course or place of employer's business	Worker is customarily in an independent business	
(1)	(2)	(3)	(4)	(5)
Ala.	. . . . .	. . . . .	. . . . .	Master-servant.
Alaska	X	and X	and X	. . . . .
Ariz.	. . . . .	. . . . .	. . . . .	Service of employee.[1]
Ark.	X	and X	and X	. . . . .
Calif.	. . . . .	. . . . .	. . . . .	Contract of hire.[2]
Colo.	X	. . . . .	and X	. . . . .
Conn.	X	and X	and X	. . . . .
Del.	X	and X	and X	. . . . .
D.C.	. . . . .	. . . . .	. . . . .	Contract of hire and master-servant.[2][3]
Fla.	. . . . .	. . . . .	. . . . .	Service of employee.[1]
Ga.	X	and X	and X	. . . . .
Hawaii	X	and X	and X	. . . . .
Idaho	X	. . . . .	and X	. . . . .
Ill.	X	and X	and X	. . . . .
Ind.	X	and X	and X	. . . . .
Iowa	X	. . . . .	. . . . .	Contract of hire.[2]
Kans.	X	and X	. . . . .	. . . . .
Ky.	. . . . .	. . . . .	. . . . .	Master-servant.[4]
La.	X	and X	and X	. . . . .
Maine	X	and X	and X	. . . . .
Md.	X	and X	and X	. . . . .
Mass.	X	and X	and X	. . . . .
Mich.	X	. . . . .	. . . . .	Contract of hire.[2]
Minn.	. . . . .	. . . . .	X	Master-servant.
Miss.	X	. . . . .	. . . . .	Master-servant.
Mo.	X	and X	and X	. . . . .
Mont.	X	. . . . .	and X	. . . . .
Nebr.	X	and X	and X	. . . . .
Nev.	X	and X	and X	. . . . .
N.H.	X	and X	and X	. . . . .
N.J.	X	and X	and X	. . . . .
N.Mex.	X	and X	and X	. . . . .
N.Y.	. . . . .	. . . . .	. . . . .	Contract of hire.[2]
N.C.	. . . . .	. . . . .	. . . . .	Contract of hire creating employee relationship.
N.Dak.	X	and X	and X	Contract of hire.
Ohio	X	and X	and X	. . . . .

(Table continued on next page)

Table 102.--Coverage as Determined by Employer-Employee Relationship (Continued)

State	Services considered employment unless-			Other provisions
	Workers are free from control over performance	Service is outside regular course or place of employer's business	Worker is customarily in an independent business	
(1)	(2)	(3)	(4)	(5)
Okla.	. . . . .	. . . . .	. . . . .	Master-servant.
Oreg.	X	. . . . .	and X	. . . . .
Pa.	X	. . . . .	and X	. . . . .
P.R.	X	and X	and X	. . . . .
R.I.	X	and X	and X	. . . . .
S.C.	. . . . .	. . . . .	. . . . .	Contract of hire.[2/]
S.Dak.	X	. . . . .	and X	. . . . .
Tenn.	X	and X	and X	. . . . .
Tex.	X	. . . . .	. . . . .	Contract of hire.[2/]
Utah	X	. . . . .	and X	. . . . .
Vt.	X	and X	and X	. . . . .
Va.	X	and X	and X	. . . . .
V.I.	X	and X	and X	. . . . .
Wash.	X	and X	and X	. . . . .
W.Va.	X	and X	and X	. . . . .
Wis.	X	. . . . .	and X	. . . . .
Wyo.	X	and X	and X	. . . . .

[1/] Service performed by an employee for the person or employing unit employing him.
[2/] Service under any contract of hire, written or oral, express or implied.
[3/] By regulation.
[4/] By judicial interpretation.

Table 103.--Significant Miscellaneous Employment Exclusions[1]

State	Agents on commission		Casual labor not in course of employer's business	Part-time service for nonprofit organizations exempt from Federal income tax[2]	Student nurses and interns in employ of a hospital	Students working for schools[3] [9] [10]
	Insurance	Real estate				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.	X	X	X	X	X	X
Alaska	X	X	X	X[2]	. . . . .	X
Ariz.	X	X	X	X	X	X
Ark.	X	X	X	X	X	X
Calif.	. . .	X	X	X	X	X
Colo.	X	X	X	X	. . . . .	X
Conn.	X	X	X	X	X	X
Del.	X	X	. . . .	. . . . .	. . . . .	X
D.C.	X	. . .	X	X	X	X[4]
Fla.	X	X	X	X	X	X
Ga.	X	X	X	X	X	X[4]
Hawaii	X	X	X	X	X	X
Idaho	X	X	. . . .	. . . . .	X	X
Ill.	X	X	. . . .	X	X	X
Ind.	X	. . .	X	X	X	X
Iowa	. . .	X	. . . .	. . . . .	. . . . .	X
Kans.	X	X	. . . .	X	. . . . .	X
Ky.	X	X[6]	X	X	X	X
La.	X	X	X	X	X	X
Maine	X	X	. . . .	X[2]	X	X
Md.	X	[7]	X	X	X	X
Mass.	X	X	X	X	X	X
Mich.	X	X	. . . .	X	. . . . .	X
Minn.	X	X	X	X	X	X
Miss.	X	. . .	X	X	X	X
Mo.	X	X	. . . .	. . . . .	. . . . .	X[5]
Mont.	X	X	. . . .	. . . . .	. . . . .	X
Nebr.	X	X	X	X	X	X
Nev.	. . .	X	. . . .	. . . . .	. . . . .	X
N.H.	X	X	X	X	X	X
N.J.	X	X	. . . .	. . . . .	X	X
N.Mex.	X	X	. . . .	. . . . .	. . . . .	X
N.Y.	. . .	X	. . . .	. . . . .	. . . . .	X
N.C.	X	X	X	X	. . . . .	X
N.Dak.	X	X	X	X	X	X
Ohio	X	. . .	X	X	X	X
Okla.	X	X	. . . .	. . . . .	X	X
Oreg.	X	X	X	. . . . .	X	X
Pa.	X	X	X	X	X	X
P.R.	. . .	X	X	. . . . .	. . . . .	X

(Table continued on next page)

Table 103.--Significant Miscellaneous Employment Exclusions[1/] (Continued)

State	Agents on commission		Casual labor not in course of employer's business	Part-time service for nonprofit organizations exempt from Federal income tax[2/]	Student nurses and interns in employ of a hospital	Students working for schools[3/] [9/] [10/]
	Insurance	Real estate				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
R.I.	X[8/]	X	X	X	. . . . .	X
S.C.	X	X	X	X	X	X
S.Dak.	X	. . .	. . . .	X	X	X[4/]
Tenn.	X	X	. . . .	. . . . .	. . . . .	X
Tex.	X	. . .	. . . .	. . . . .	X	X
Utah	X	X	X	X	. . . . .	X
Vt.	X	X	X	X	. . . . .	X
Va.	X	X	X	X	X	X
V.I.	. . .	. . .	X	. . . . .	. . . . .	X
Wash.	X	X	X	. . . . .	. . . . .	X
W.Va.	X	. . .	. . . .	. . . . .	. . . . .	X
Wis.	X	X	. . . .	X	X	X
Wyo.	. . .	X	. . . .	. . . . .	. . . . .	X

[1/] For the major employment exclusions, see text, sec. 125.

[2/] If the remuneration does not exceed $45 per calendar quarter (or is less than $50, in accordance with 1950 amendment to FUTA); in Alaska, $250; Maine, $150.

[3/] Service in employ of school, college, or university by a student regularly enrolled at such institution.

[4/] In States noted, law contains broad exclusion of services performed by students in the employ of an organization exempt from Federal income tax. D.C. also has a provision excluding services performed by a student in the employ of an organization exempt from Federal income tax and the remuneration does not exceed $50 in a calendar quarter. All but 2 of the States noted, Md. and Tex., have a provision which provides for the coverage of any excluded services which are subject to the FUTA.

[5/] If the remuneration (exclusive of room, board, and tuition) does not exceed $50 per calendar quarter.

[6/] By court decision or attorney general's opinion.

[7/] Applicable only while exempt from FUTA.

[8/] Does not exclude such service if performed for a corporation or by industrial and debit insurance agents, R.I.

[9/] All States except the following exclude service by the spouse of a student in the employ of the school: Alaska, Ark., Del., D.C., Fla., Hawaii, Idaho, Kans., La., Maine, Minn., N.Mex., Ohio, P.R., R.I., Tex., V.I., and Va.

[10/] All States except the following exclude students in work-study programs: D.C., Hawaii, Maine excludes only elementary or secondary school students.

TABLE 104.--Exclusions from Service for State and Local Governments

State	Elected officials	Legislators and members of judiciary	Members of State National Guard and Air National Guard	Temporary emergency employees	Policymaking and Advisory positions
(1)	(2)	(3)	(4)	(5)	(6)
Ala.	X	X	X	X	X
Alaska	X	X	X	X	X
Ariz.	X	X	X	X	X
Ark.	X	X	X	X	X
Calif.	X	X	X	X	X
Colo.	X	X	X	X	X
Conn.	X	X	X	X	X
Del.	X	X	X	X	X
D.C.[1/]	. . . .	. . . . .	. . . . .	. . . .	. . . . .
Fla.	X	X	. . . . .	X	X
Ga.	X	X	X	. . . .	X
Hawaii[1/]	. . . .	. . . . .	. . . . .	. . . .	. . . . .
Idaho	X	X	X	X	X
Ill.	X	X	X	X	X
Ind.	X	X	X	X	X
Iowa	X	X	X	X	X
Kans.	X	X	X	X	X
Ky.	X	X	X	X	X
La.	X	X	X	X	X
Maine	X	X	X	X	X
Md.	X	X	X	X	X
Mass.	X	X	X	X	X
Mich.	X	X	X	X	X
Minn.	X	X	X	X	X
Miss.	X	X	X	X	X
Mo.	X	X	X	X	X
Mont.	X	. . . . .	. . . . .	. . . .	. . . . .
Nebr.	X	X	X	X	X
Nev.	X	X	X	X	X
N.H.	X	X	X	X	X
N.J.	X	X	X	X	X
N.Mex.	X	X	X	X	X
N.Y.	X	X	X	X	X
N.C.	X	X	X	X	X
N.Dak.	X	X	X	X	X
Ohio	X	X	X	X	X
Okla.	X	X	X	X	X
Oreg.	X	X	X	X	X
Pa.	X	X	X	X	X
P.R.	X	X	X	X	X
R.I.	X	X	X	X	X
S.C.	X	X	X	X	X
S.Dak.	X	X	X	X	X
Tenn.	X	X	X	X	X

(Table continued on next page)

TABLE 104.--Exclusions from Service for State and Local Governments (Continued)

State	Elected officials	Legislators and members of judiciary	Members of State National Guard and Air National Guard	Temporary emergency employees	Policymaking and Advisory positions
(1)	(2)	(3)	(4)	(5)	(6)
Tex.	X	X	X	X	X
Utah	X	X	X	X	X
Vt.	X	X	X	X	X
Va.	X	X	X	X	X
V.I.	X	X	X	X	X
Wash.	X	. . . . .	X	. . . .	X
W.Va.	X	X	X	X	X
Wisc.2/	X	X	X	X	X
Wyo.	X	X	X	X	X

1/State law does not exclude any of these services.
2/In addition to the exclusions listed, excludes official appointed to fill unexpired term of elected official, Wis.

200. TAXATION

The financing pattern of the State laws is influenced by the Federal Unemployment Tax Act, since employers may credit toward the Federal payroll tax the State contributions which they pay under an approved State law. They may credit also any savings on the State tax under an approved experience-rating plan. There is no Federal tax levied against employees.

The Federal payroll tax increased from 3.0 percent to 3.1 percent, effective January 1, 1961, from 3.1 percent to 3.2 percent, effective January 1, 1970, from 3.2 percent to 3.4 percent, effective January 1, 1977, from 3.4 percent to 3.5 percent effective January 1, 1983, and from 3.5 percent to 6.2 percent, effective January 1, 1985. The total credit against the Federal tax allowed employers for their contributions under approved State laws is limited to 5.4 percent.

205 Source of Funds

All the States finance unemployment benefits mainly by contributions from subject employers on the wages of their covered workers; in addition, four States collect employee contributions. The funds collected are held for the States in the unemployment trust fund in the U.S. Treasury, and interest is credited to the State accounts. Money is drawn from this fund to pay benefits or to refund contributions erroneously paid.

States with depleted reserves may, under specified conditions, obtain advances from the Federal unemployment account to finance benefit payments. If the required amount is not restored by November 10 of a specified taxable year, the allowable credit against the Federal tax for that year is decreased in accordance with the provisions of section 3302(c) of the Federal Unemployment Tax Act. Beginning 1982 a State's decrease in allowable credit is capped (starting with 1981 wages) if the State meets certain solvency requirements. Interest is now added to the formerly interest free advances from the Federal unemployment account.

205.01 EMPLOYER CONTRIBUTIONS.--In most States the standard rate--the rate required of employers until they are qualified for a rate based on their experience--is 5.4 percent, the maximum allowable credit against the Federal tax. Similarly, in some States, the employer's contribution, like the Federal tax, is based on the first $7,000 paid to (or earned by) a worker within a calendar year. Deviations from this pattern are shown in Table 200.

Most States follow the Federal pattern in excluding from taxable wages payment by the employer of the employees' tax for Federal old-age and survivors insurance, and payments from or to certain special benefit funds for employees. Under the State laws, wages include the cash value of remuneration paid in any medium other than cash and gratuities received in the course of employment from other than the regular employer.

In every State an employer is subject to certain interest or penalty payments for delay or default in payment of contributions, and usually incurs penalties for failure or delinquency in making reports. Wyoming also requires large employers working on temporary projects in the State to post a bond in addition to contributions to insure payment of all benefits ultimately due its former employees. In addition, the State administrative agencies have legal recourse to collect contributions, usually involving jeopardy assessments, levies, judgments, liens, and civil suits.

The employer who has overpaid is entitled to a refund in every State. Such refunds may be made within time limits ranging from 1 to 6 years; in a few States no limit is specified.

205.02 STANDARD RATES.--The standard rate of contributions under all but a few State laws is 5.4 percent. Some States pay a higher standard rate for employer's with a negative balance. In Utah the standard rate is 8.0 percent and in Wyoming 8.5 percent. In North Dakota, the standard rate is the maximum rate in effect for a year. Kansas, Missouri and Rhode Island have no standard contribution rate, although employers in Kansas not eligible for an experience rate, and not considered as newly covered, pay at the maximum rate; Oregon has no standard rate and employers not eligible for an experience rate pay at rates ranging from 2.7 to 3.5 percent, depending on the rate schedule in effect for rated employers.

While, in general, new and newly-covered employers pay the standard rate until they meet the requirements for experience rating, in some States they may pay a lower rate (Table 202) while in other States they may pay a higher rate because of provisions requiring all employers to pay an additional contribution. In Wisconsin an additional rate of 1.3 percent will be required of a new employer if the account becomes overdrawn and the payroll is $20,000 or more. In addition, a solvency rate (determined by the fund's treasurer) may be added for a new employer with a 4.0 percent rate (Table 206, footnote 11). In the other States, the additional contribution provisions are applied when fund levels reach specified points or to restore to the fund amounts expended for noncharged or ineffectively charged benefits. Ineffectively charged benefits include those paid and charged to inactive and terminated accounts and those paid and charged to an employer's experience rating account after the previously charged benefits to the account were sufficient to qualify the employer for the maximum contribution rate. See section 235 for noncharging of benefits. The maximum total rate that would be required of new or newly-covered employers under these provisions is 2.9 percent in Arkansas; 3.2 percent in Missouri; 3.7 percent in New York; and 4.2 percent in Delaware. No maximum rate is specified for new employers in Wyoming.

205.03 TAXABLE WAGE BASE.--More than half of the States have adopted a higher tax base than that provided in the Federal Unemployment Tax Act. In these States an employer pays a tax on wages paid to (or earned by) each worker within a calendar year up to the amount specified in Table 200. In addition, most of the States provide an automatic adjustment of the wage base if the Federal law is amended to apply to a higher wage base than that specified under State law (Table 200).

205.04 EMPLOYEE CONTRIBUTIONS.--Only Alabama, Alaska, New Jersey, Pennsylvania and West Virginia collect employee contributions and of the nine States[1] that formerly collected such contributions, only Alabama and New Jersey do so now. The wage base used for the collection of employee contributions is the same as used for their employers (Table 200). Employee contributions are deducted by the employer from the workers' pay and sent with the employer's own contribution to the State agency. In Alabama employees pay contributions of 1.0 percent and in New Jersey as high as 1.125 percent. However, in Alabama employee contributions will be abolished when the trust fund balance reaches at least 75 percent of the minimum normal amount. In Alaska employee contribution rates vary from 0.5 percent to 1.0 percent, depending on the rate schedule in effect. In Pennsylvania employees pay contributions of 0.1 percent of all wages paid for employment.

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[1] Ala., Calif., Ind., Ky., La., Mass., N.H., N.J., and R.I.

West Virginia differs in that employee's gross wages will be taxed at a rate of no more than 0.15 percent whenever projections for a given calendar quarter indicate that employer contributions are insufficient to finance the payment of benefits in that quarter.

205.05 FINANCING OF ADMINISTRATION.--The Social Security Act undertook to assure adequate provisions for administering the unemployment insurance program in all States by authorizing Federal grants to States to meet the total cost of "proper and efficient administration" of approved State unemployment insurance laws. Thus, the States have not had to collect any tax from employers or to make any appropriations from general State revenues for the administration of the employment security program which includes the unemployment insurance program. Montana, however, requires all employers to pay a tax assessment for funding of administrative costs.

Receipts from the residual Federal unemployment tax--0.3 percent of taxable wages through calendar year 1960, 0.4 percent through calendar year 1969, 0.5 through 1976, 0.7 through 1982 and 0.8 thereafter--are automatically appropriated and credited to the employment security administration account--one of three accounts--in the Federal Unemployment Trust Fund. Congress appropriates annually from the administration account the funds necessary for administering the Federal-State employment security program. A second account is the Federal unemployment account. Funds in this account are available to the State for repayable advances to States with low reserves with which to pay benefits. A third account--the extended unemployment compensation account--is used to reimburse the States for the Federal share of Federal-State extended benefits.

On June 30 of each year the net balance and the excess in the employment security administration account are determined. Under Public Law 91-373, enacted in 1970, no transfer from the administration account to other accounts is made until the amount in that account is equal to 40 percent of the amount appropriated by the Congress for the fiscal year for which the excess is determined. Transfers to the extended unemployment compensation account from the employment security administration account are equal to one-tenth (before April 1972, one-fifth) of the net monthly collections. After June 30, 1972, the maximum fund balance in the extended unemployment compensation account will be the greater of $750 million or 0.125 percent of total wages in covered employment for the preceding calendar year. At the end of the fiscal year, any excess not retained in the administration account or not transferred to the extended unemployment compensation account is used first to increase the Federal unemployment account to the greater of $550 million or 0.125 percent of total wages in covered employment for the preceding calendar year. Thereafter, except as necessary to maintain legal maximum balances in these three accounts, excess tax collections are to be allocated to the accounts of the States in the Unemployment Trust Fund in the same proportion that their covered payrolls bear to the aggregate covered payrolls of all States.

The sums allocated to States' Trust accounts are to be generally available for benefit purposes. Under specified conditions a State may, however, through a special appropriation act of its legislature, utilize the allocated sums to supplement Federal administrative grants in financing its operation. Forty-five[1] States have amended their unemployment insurance laws to permit use of some of such sums for administrative purposes, and most States have appropriated funds for buildings, supplies, and other administrative expenses.

205.06 SPECIAL STATE FUNDS.--Forty-nine[2] States have set up special administrative funds, made up usually of interest on delinquent contributions, fines and penalties, to meet special needs. The most usual statement of purpose includes one or more of these three items: (1) to cover expenditures for which Federal funds have been requested but not yet received, subject to repayment to the fund; (2) to pay costs of administration found not to be properly chargeable against funds obtained from Federal sources; and (3) to replace funds lost or improperly expended for purposes other than, or in amounts in excess of, those found necessary for proper administration. A few of these States provide for the use of such funds for the purchase of land and erection of buildings for agency use, for the payment of interest on Federal advances, and North Carolina, for enlargement, extension, repairs or improvement of buildings and for the temporary stabilization of Federal funds cash flow. In Maine, money from this fund may be transferred to the Wage Assurance Fund established to assure employees a week of wages when an employer has terminated a business with no assets for payment of wages or when he files bankruptcy. In New York the fund may be used to finance training, subsistence, and transportation allowances for individuals receiving approved training. In Puerto Rico the fund may be used to pay benefits to workers who have partial earnings in exempt employment. In some States the fund is limited; when it exceeds a specified sum ($1,000 to $251,000) the excess is transferred to the unemployment compensation fund or, in one State, to the general fund. Fewer than half of the States have enacted special funds to pay interest on Federal advances.

210 Type of Fund

The first State system of unemployment insurance in this country (Wisconsin) set up a separate reserve for each employer. To this reserve were credited the contributions of the employer and from it were paid benefits to the employees so long as the account had a credit balance. Most of the States enacted "pooled-fund" laws on the theory that the risk of unemployment should be spread among all employers and that workers should receive benefits regardless of the balance of the contributions paid by the individual employer and the benefits paid to such workers. All States now have pooled unemployment funds.

215 Experience Rating

All State laws, except Puerto Rico, have in effect some system of experience rating by which individual employers' contribution rates are varied from the standard rate on the basis of their experience with the risk of unemployment. For special financing provisions applicable to governmental entities, see section 250.

1/ All States except Del., D.C, Ill., N.C., Okla., P.R., and S.Dak.
2/ All States except Hawaii, Mont., and N.Dak..

215.01 FEDERAL REQUIREMENTS FOR EXPERIENCE RATING.--State experience-rating provisions have developed on the basis of the additional credit provisions of the Social Security Act, now the Federal Unemployment Tax Act, as amended. The Federal law allows employers additional credit for a lowered rate of contribution if the rates were based on not less than 3 years of "experience with respect to unemployment or other factors bearing a direct relation to unemployment risk." This requirement was modified by amendment in 1954 which authorized the States to extend experience-rating tax reductions to new and newly covered employers after they have had at least 1 year of such experience. The requirement was further modified by the 1970 amendments which permitted the States to allow a reduced rate (but not less than one percent) on a "reasonable basis".

215.02 STATE REQUIREMENTS FOR EXPERIENCE RATING.--In most States 3 years of experience with unemployment means more than 3 years of coverage and contribution experience. Factors affecting the time required to become a "qualified" employer include (1) the coverage provisions of the State law ("at any time" vs. 20 weeks; Table 100); (2) in States using benefits or benefit derivatives in the experience-rating formula, the type of base period and benefit year and the lag between these two periods, which determine how soon a new employer may be charged for benefits; (3) the type of formula used for rate determinations; and (4) the length of the period between the date as of which rate computations are made and the effective date for rates.

220 Types of Formulas for Experience Rating

Under the general Federal requirements, the experience-rating provisions of State laws vary greatly, and the number of variations increases with each legislative year. The most significant variations grow out of differences in the formulas used for rate determinations. The factor used to measure experience with unemployment is the basic variable which makes it possible to establish the relative incidence of unemployment among the workers of different employers. Differences in such experience represent the major justification for differences in tax rates, either to provide an incentive for stabilization of employment or to allocate the cost of unemployment. At present there are four distinct systems, usually identified as reserve-ratio, benefit-ratio, benefit-wage-ratio, and payroll-decline formulas. A few States have combinations of the systems.

In spite of significant differences, all systems have certain common characteristics. All formulas are devised to establish the relative experience of individual employers with unemployment or with benefit costs. To this end, all have factors for measuring each employer's experience with unemployment or benefit expenditures, and all compare this experience with a measure of exposure--usually payrolls--to establish the relative experience of large and small employers. However, the four systems differ greatly in the construction of the formulas, in the factors used to measure experience and the methods of measurement, in the number of years over which the experience is recorded, in the presence or absence of other factors, and in the relative weight given the various factors in the final assignment of rates.

220.01 RESERVE-RATIO FORMULA.--The reserve ratio was the earliest of the experience-rating formulas and continues to be the most popular. It is now used in 33 States (Table 200). The system is essentially cost accounting. On each employer's record are entered the amount of his payroll, his contributions, and the benefits paid to his workers. The benefits are subtracted from the contributions, and the resulting balance is divided by the payroll to determine the size of the balance in terms of the potential liability for benefits inherent in wage payments. The balance carried forward each year under the reserve-ratio plan is ordinarily the difference between the employer's total contributions and the total benefits received by his workers since the law became effective. In the District of Columbia, Idaho, and Louisiana, contributions and benefits are limited to those since a certain date in 1939, 1940, or 1941, and in Rhode Island they are limited to those since October 1, 1958, and in Montana those since October 1, 1981. In Missouri they may be limited to the last 5 years if that works to an employer's advantage. In New Hampshire an employer whose rate is determined to be 3.5 percent or over may make an irrevocable election to have his rate computed thereafter on the basis of his 5 most recent years of experience. However, his new rate may not be less than 2.7 percent except for uniform rate reduction based on the fund balance.

The payroll used to measure the reserves is ordinarily the last 3 years but Massachusetts, South Carolina, and Wisconsin figure reserves on the last year's payrolls only. Idaho and Nebraska use 4 years. Arkansas gives the employer the advantage of the lesser of the average 3- or 5-year payroll, or, at his option, the last year's payroll. New Jersey protects the fund by using the higher of the average 3- or 5-year payroll.

The employer must accumulate and maintain a specified reserve before his rate is reduced; then rates are assigned according to a schedule of rates for specified ranges of reserve ratios; the higher the ratio, the lower the rate. The formula is designed to make sure that no employer will be granted a rate reduction unless over the years he contributes more to the fund than his workers draw in benefits. Also, fluctuations in the State fund balance affect the rate that an employer will pay for a given reserve; an increase in the State fund may signal the application of an alternate tax rate schedule in which a lower rate is assigned for a given reserve and, conversely, a decrease in the fund balance may signal the application of an alternate tax schedule which requires a higher rate.

220.02 BENEFIT-RATIO FORMULA.--The benefit-ratio formula also uses benefits as the measure of experience, but eliminates contributions from the formula and relates benefits directly to payrolls. The ratio of benefits to payrolls is the index for rate variation. The theory is that, if each employer pays a rate which approximates his benefit ratio, the program will be adequately financed. Rates are further varied by the inclusion in the formulas of three or more schedules, effective at specified levels of the State fund in terms of dollar amounts or a proportion of payrolls or fund adequacy percentage. In Florida and Wyoming an employer's benefit ratio becomes his contribution rate after it has been adjusted to reflect noncharged benefits and balance of fund. The adjustment in Florida also considers excess payments. In Pennsylvania rates are determined on the basis of three factors--reserve ratio, benefit ratio, and State adjustment. In Michigan rates are also based on the sum of three factors: the employer's experience rate; a State rate to recover noncharged or ineffectively charged benefits; and an adjustment rate to recover fund benefit costs not otherwise recoverable. In Utah rates are based on 3 factors: the reserve factor, social tax and experience. In Texas rates are based on a deficit tax ratio and a State replenishment ratio in addition to the employer's benefit ratio.

Unlike the reserve ratio, the benefit-ratio system is geared to short-term experience. Only the benefits paid in the most recent 3 years are used in the determination of the benefit ratios except in Utah, Virginia, and Washington where the last 4 years of benefits are used and in Michigan, where the last 5 years of benefits are used. (Table 203).

220.03 BENEFIT-WAGE-RATIO FORMULA.--The benefit-wage formula is radically different. It makes no attempt to measure all benefits paid to the workers of individual employers. The relative experience of employers is measured by the separations of workers which result in benefit payments, but the duration of their benefits is not a factor. The separations, weighted with the wages earned by the workers with each base-period employer, are recorded on each employer's experience-rating record as benefit wages. Only one separation per beneficiary per benefit year is recorded for any one employer, but the charging of any benefit wages has been postponed until benefits have been paid in the State specified: in Alabama until payment is made for the first week; and in Oklahoma for the second week of unemployment; in Illinois, until the benefits paid equal three times the weekly benefit amount. The index which is used to establish the relative experience of employers is the proportion of each employer's payroll which is paid to those of his workers who become unemployed and receive benefits; i.e., the ratio of his benefit wages to his total taxable wages.

The formula is designed to assess variable rates which will raise the equivalent of the total amount paid out as benefits. The percentage relationship between total benefit payments and total benefit wages in the State during 3 years is determined. This ratio, known as the State experience factor, means that, on the average, the workers who drew benefits received a certain amount of benefits for each dollar of benefit wages paid and the same amount of taxes per dollar of benefit wages is needed to replenish the fund. The total amount to be raised is distributed among employers in accordance with their benefit-wage ratios; the higher the ratio, the higher the rate.

Individual employer's rates are determined by multiplying the employer's experience factor by the State experience factor. The multiplication is facilitated by a table which assigns rates which are the same as, or slightly more than, the product of the employer's benefit-wage ratio and the State factor. The range of the rates is, however, limited by a minimum and maximum. The minimum and the rounding upward of some rates tend to increase the amount which would be raised if the plan were affected without the table; the maximum, however, decreases the income from employers who would otherwise have paid higher rates.

220.04 PAYROLL VARIATION PLAN.--The payroll variation plan is independent of benefit payments to individual workers; neither benefits nor any benefit derivatives are used to measure unemployment. Experience with unemployment is measured by the decline in an employer's payroll from quarter to quarter or from year to year. The declines are expressed as a percentage of payrolls in the preceding period, so that experience of employers with large and small payrolls may be compared. If the payroll shows no decrease or only a small percentage decrease over a given period, the employer will be eligible for the largest proportional reductions.

Alaska measures the stability of payrolls from quarter to quarter over a 3-year period; the changes reflect changes in general business activity and also seasonal or irregular declines in employment.

Montana has three factors: annual declines, age, and a ratio of benefits to contributions; no reduced rate is allowed to an employer whose last 3-year benefit payments have exceeded contributions.

The payroll variation plans use a variety of methods for reducing rates. Alaska arrays employers according to their average quarterly decline quotients and groups them on the basis of cumulative payrolls in 10 classes for which rates are specified in a schedule. Montana classifies employers in 14 classes and assigns rates designed to yield a specified percent of payrolls varying with the fund balance.

225 Transfer of Employers' Experience

Because of Federal requirements, no rate can be granted based on experience unless the agency has at least a 1-year record of the employer's experience with the factors used to measure unemployment. Without such a record there would be no basis for rate determination. For this reason all State laws specify the conditions under which the experience record of a predecessor employer may be transferred to an employer who, through purchase or otherwise, acquires the predecessor's business. In some States (Table 204) the authorization for transfer of the record is limited to total transfers; i.e., the record may be transferred only if a single successor employer acquires the predecessor's organization, trade, or business and substantially all its assets. In the other States the provisions authorize partial as well as total transfers; in these States, if only a portion of a business is acquired by any one successor, that part of the predecessor's record which pertains to the acquired portion of the business may be transferred to the successor.

In most States the transfer of the record in cases of total transfer automatically follows whenever all or substantially all of a business is transferred. In the remaining States the transfer is not made unless the employers concerned request it.

Under most of the laws, transfers are made whether the acquisition is the result of reorganization, purchase, inheritance, receivership, or any other cause. Delaware, however, permits transfer of the experience record to a successor only when there is substantial continuity of ownership and management.

Some States condition the transfer of the record on what happens to the business after it is acquired by the successor. For example, in some States there can be no transfer if the enterprise acquired is not continued (Table 204); in 3 of these States (California, District of Columbia, and Wisconsin) the successor must employ substantially the same workers. In 22 States[1] successor employers must assume liability for the predecessor's unpaid contributions, although in the District of Columbia, Massachusetts, and Wisconsin, successor employers are only secondarily liable.

1/ Ariz., Ark., Calif., D.C., Ga., Idaho, Ill., Ind., Ky., Maine, Mass., Mich., Minn., Mo., Nebr., N.H., N.Mex., Ohio, Okla., S.C., W.Va., and Wisc.

Most States establish by statute or regulation the rate to be assigned the successor employer from the date of the transfer to the end of the rate year in which the transfer occurs. The rate assignments vary with the status of the successor employer prior to the acquisition of the predecessor's business. Over half the States provide that an employer who has a rate based on experience with unemployment shall continue to pay that rate for the remainder of the rate year; the others, that a new rate be assigned based on the employer's own record combined with the acquired record (Table 204).

230 Differences in Charging Methods

Various methods are used to identify the employer who will be charged with benefits when a worker becomes unemployed and draws benefits. Except in the case of very temporary or partial unemployment, compensated unemployment occurs after a worker-employer relationship has been broken. Therefore, the laws indicate in some detail which one or more of the former employers should be charged with the claimant's benefits. In the reserve-ratio and benefit-ratio States, it is the claimant's benefits that are charged; in the benefit-wage States, the benefit wages. There is, of course, no charging of benefits in the payroll-decline systems.

In most States the maximum amount of benefits to be charged is the maximum amount for which any claimant is eligible under the State law. In Arkansas, Colorado, Michigan, and Oregon, an employer who willfully submits false information on a benefit claim to evade charges is penalized: In Arkansas, by charging the employer's account with twice the claimant's maximum potential benefits; in Oregon, with 2 to 10 times the claimant's weekly benefit amount; in Colorado, with 1-1/2 times the amount of benefits due during the delay caused by the false statement and all of the benefits paid to the claimant during the remainder of the benefit year; and in Michigan by a forfeiture to the Commission of an amount equal to the total benefits which are or would be allowed the claimant.

In the States with benefit-wage-ratio formulas, the maximum amount of benefit wages charged is usually the amount of wages required for maximum annual benefits; in Alabama and Delaware, the maximum taxable wages.

230.01 CHARGING MOST RECENT EMPLOYERS.--In three States, Maine, New Hampshire, and South Carolina, with a reserve-ratio system, Virginia with a benefit-wage-ratio, the most recent employer gets all the charges on the theory of primary responsibility for the unemployment.

All the States that charge benefits to the last employer relieve an employer of these charges if only casual or short-time employment is involved. Maine limits charges to a most recent employer who employed the claimant for more than 5 consecutive weeks; New Hampshire, more than 4 weeks; Virginia, at least 30 days. South Carolina omits charges to employers who paid a claimant less than eight times the weekly benefit.

230.02 CHARGING BASE-PERIOD EMPLOYERS IN INVERSE CHRONOLOGICAL ORDER.--Some States limit charges to base-period employers but charge them in inverse order of employment (Table 205). This method combines the theory that liability for benefits results from wage payments with the theory of employer responsibility for unemployment; responsibility for the unemployment is assumed to lessen with time, and the more remote the employment from the period of compensable unemployment, the less the probability of an employer's being charged. A maximum limit is placed on the amount that may be charged any one employer; when the limit is reached, the next previous employer is charged. The limit is usually fixed as a fraction of the wages paid by the employer or as a specified amount in the base period or in the quarter, or as a combination of the two. Usually the limit is the same as the limit on the duration of benefits in terms of quarterly or base-period wages (sec. 335.04).

In Michigan, New Jersey, New York, Ohio, and Wisconsin, the amount of the charges against any one employer is limited by the extent of the claimant's employment with that employer; i.e., the number of credit weeks earned with that employer. In New York, when a claimant's weeks of benefits exceed weeks of employment, the charging formula is applied a second time--a week of benefits charged to each employer's account for each week of employment with that employer, in inverse chronological order of employment--until all weeks of benefits have been charged. In Colorado charges are omitted if an employer paid $500 or less, $100 or less in South Dakota; in Missouri most employers who employ claimants less than 28 days and pay them less than $400 are skipped in the charging.

If a claimant's unemployment is short, or if the last employer in the base period employed the claimant for a considerable part of the base period, this method of charging employers in inverse chronological order gives the same results as charging the last employer in the base period. If a claimant's unemployment is long, such charging gives much the same results as charging all base-period employers proportionately.

All the States that provide for charging in inverse order of employment have determined, by regulation, the order of charging in case of simultaneous employment by two or more employers.

230.03 CHARGES IN PROPORTION TO BASE-PERIOD WAGES.--On the theory that unemployment results from general conditions of the labor market more than from a given employer's separations, the largest number of States charge benefits against all base-period employers in proportion to the wages earned by the beneficiary with each employer. Their charging methods assume that liability for benefits inheres in wage payments. This also is true in a State that charges all benefits to a principal employer.

In two States employers responsible for a small amount of base-period wages are relieved of charges. A Florida employer who paid a claimant less than $100 in the base period is not charged and in Connecticut if the employer paid $300 or less.

235 Noncharging of Benefits

In many States there has been a tendency to recognize that the costs of benefits of certain types should not be charged to individual employers. This has resulted in "noncharging" provisions of various types in practically all State laws which base rates on benefits or benefit derivatives (Table 205). In the States which charge benefits, certain benefits are omitted from charging as indicated below; in the States which charge benefit wages, certain wages are not counted as benefit wages. Such provisions are, of course, not applicable in States in which rate reductions are based solely on payroll decreases.

The omission of charges for benefits based on employment of short duration has already been mentioned (sec. 230, and Table 205, footnote 6). The postponement of charges until a certain amount of benefits has been paid (sec. 220.03) results in noncharging of benefits for claimants whose unemployment was of very short duration. In many States, charges are omitted when benefits are paid on the basis of an early determination in an appealed case and the determination is eventually reversed. In many States, charges are omitted for reimbursements in the case of benefits paid under a reciprocal arrangement authorizing the combination of the individual's wage credits in 2 or more States; i.e., situations when the claimant would be ineligible in the State without the out-of-State wage credits. In Connecticut, District of Columbia, Maine, Massachusetts, and Rhode Island dependents' allowances are not charged to employers' accounts.

The laws in Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, and Wyoming provide that an employer who employed a claimant part time in the base period and continues to give substantial equal part-time employment is not charged for benefits.

Five States (Arkansas, Colorado, Maine, North Carolina, and Ohio) have special provisions or regulations for identifying the employer to be charged in the case of benefits paid to seasonal workers; in general, seasonal employers are charged only with benefits paid for unemployment occurring during the season, and nonseasonal employers, with benefits paid for unemployment at other times.

The District of Columbia, Georgia, Hawaii, Kansas, Louisiana, Maine, Massachusetts, New Hampshire, North Carolina, Oregon, South Carolina, South Dakota, Utah, and Vermont provide that benefits paid to an individual taking approved training shall not be charged to the employer's account. In Minnesota and Virginia benefits may be noncharged if an offer to rehire has been refused because the individual is in approved training.

New York has established a 3-year demonstration project which allows claimants in approved training to receive additional benefits. These additional benefits will be charged to the general account. The demonstration program will expire in 1990.

Another type of omission of charges is for benefits paid following a period of disqualification for voluntary quit, misconduct, or refusal of suitable work or for benefits paid following a potentially disqualifying separation for which no disqualification was imposed; e.g., because the claimant had good personal cause for leaving voluntarily, or because of a job which lasted throughout the normal disqualification period and then was laid off for lack of work. The intent is to relieve the employer of charges for unemployment, caused by circumstances beyond the employer's control, by means other than limiting good cause for voluntary leaving to good cause attributable to the employer, disqualification for the duration of the unemployment, or the cancellation of wage credits. The provisions vary with variations in the employer to be charged and with the disqualification provisions (sec. 425), particularly as regards the cancellation and reduction of benefit rights. In this summary, no attempt is made here to distinguish between noncharging of benefits or benefit wages following a period of disqualification and noncharging where no disqualification is imposed. Most States provide for noncharging where voluntary leaving or discharge for misconduct is involved and some States, refusal of suitable work (Table 205). A few of these States limit noncharging to cases where a claimant refuses reemployment in suitable work.

In Florida and South Dakota, benefits are not charged if an individual is discharged for unsatisfactory performance during a probationary period and if there is conclusive evidence of unsatisfactory work and that the probationer was not separated because employment was not of a permanent nature.

Alabama and Connecticut have provisions for canceling specified percentages of charges if the employer rehires the worker within specified periods.

Minnesota, North Carolina, North Dakota, Oklahoma, Pennsylvania (limited to the first 8 weeks of benefits), Tennessee and Wyoming exempt from charging benefits paid for unemployment due directly to a disaster if the claimant would otherwise have been eligible for disaster benefits. (Table 205, footnote 12.) Connecticut noncharges benefits paid for unemployment resulting from physical damage to a place of employment caused by severe weather conditions. Minnesota also noncharges benefits paid following disasters under certain conditions regardless of eligibility for disaster benefits.

240 Requirements for Reduced Rates

In accordance with the Federal requirements for experience rating, no reduced rates were possible in any State during the first 3 years of its unemployment insurance law. Except for Wisconsin, whose law preceded the Social Security Act, no reduced rates were effective until 1940, and then only in three States.

The requirements for any rate reduction vary greatly among the States, regardless of type of experience-rating formula.

240.01 PREREQUISITES FOR ANY REDUCED RATES.--Less than half the State laws now contain some requirement of a minimum fund balance before any reduced rate may be allowed. The solvency requirement may be in terms of millions of dollars; in terms of a multiple of benefits paid; in terms of a percentage of payrolls in certain past years; in terms of whichever is greater, a specified dollar amount or a specified requirement in terms of benefits or payroll; or in terms of a particular fund solvency factor or fund adequacy percentage (Table 206). Regardless of form, the purpose of the requirement is to make certain that the fund is adequate for the benefits that may be payable.

A more general provision is included in the New Hampshire law. In New Hampshire a flat rate may be set if the Commissioner determines that the solvency of the fund no longer permits reduced rates.

In more than half the States there is no provision for a suspension of reduced rates because of low fund balances. In most of these States, rates are increased (or a portion of all employers' contributions is diverted to a specified account) when the fund (or a specified amount in the fund) falls below the levels indicated in Table 206.

240.02 REQUIREMENTS FOR REDUCED RATES FOR INDIVIDUAL EMPLOYERS.--Each State law incorporates at least the Federal requirements (sec. 215.01) for reduced rates of individual employers. A few require more than 3 years of potential benefits for their employees or of benefit chargeability; a few require recent liability for contributions (Table 203). Many States require that all necessary contribution reports must have been filed and all contributions due must have been paid. If the system uses benefit charges, contributions paid in a given period must have exceeded benefit charges.

245 Rates and Rate Schedules

In almost all States rates are assigned in accordance with rate schedules in the law; in Nebraska in accordance with a rate schedule in a regulation required under general provisions in the law. The rates are assigned for specified reserve ratios, benefit ratios, or for specified benefit-wage ratios. In Arizona the rates assigned for specified reserve ratios are adjusted to yield specified average rates. In Alaska rates are assigned according to specified payroll declines; and in Connecticut, Idaho, Kansas and Montana according to employers' experience arrayed in comparison with other employers' experience.

245.01 FUND REQUIREMENTS FOR RATES AND RATE SCHEDULES.--In most States, the level of the balance in the State's unemployment fund, as measured at a prescribed time each year, determines which one of two or more rate schedules will be applicable for the following year. Thus, an increase in the level of the fund usually results in the application of a rate schedule under which the prerequisites for given rates are lowered. In some States, employers' rates may be lowered as a result of an increase in the fund balance, not by the application of a more favorable schedule, but by subtracting a specified amount from each rate in a single schedule, by dividing each rate in the schedule by a given figure, or by adding new lower rates to the schedule. A few States with benefit-wage-ratio systems provide for adjusting the State factor in accordance with the fund balance as a means of raising or lowering all employers' rates. Although these laws may contain only one rate schedule, the changes in the State factor, which reflect current fund levels, change the benefit-wage-ratio prerequisite for a given rate.

245.02 RATE REDUCTION THROUGH VOLUNTARY CONTRIBUTIONS.--In about half the States employers may obtain lower rates by voluntary contributions (Table 200). The purpose of the voluntary contribution provision in States with reserve-ratio formulas is to increase the balance in the employer's reserve so that a lower rate is assigned which will save more than the amount of the voluntary contribution. In Minnesota, with a benefit-ratio system, the purpose is to permit an employer to pay voluntary contributions to cancel benefit charges to the account and thus reduce the benefit ratio.

245.03 COMPUTATION DATES AND EFFECTIVE DATES.--In most States the effective date for new rates is January 1; in others July 1. In most States the computation date for new rates is a date 6 months prior to the effective date.

A few States have special computation dates for employers first meeting the requirements for computation of rates (footnote 5, Table 202).

245.04 MINIMUM RATES.--Minimum rates in the most favorable schedules vary from 0 to 1.2 percent of payrolls. Only nine States have a minimum rate of 0.5 percent or more. The most common minimum rates range from 0.1 to 0.4 percent inclusive. The minimum rate in Nebraska depends on the rate schedule established annually by regulation.

245.05 MAXIMUM RATES.--Maximum tax rates range from 5.2 percent to 10.5 percent with the maximum rate in more than half the States exceeding 5.4 percent (Table 206).

245.06 LIMITATION ON RATE INCREASES.--Wisconsin prevents sudden increases of rates by a provision that no employer's rate in any year may be more than 2 percent more than in the previous year. New York limits the increase in subsidiary contributions in any year to 0.3 percent over the preceding year. In Oklahoma employers with rates of 3.4 percent or more, the limitation on the rate increase is 2 percent in any year. For employers with rates below 3.4 percent, their rate may not be increased to more than 5.4 percent in any year.

250 Special Provisions for Financing Benefits Paid to Employees of Nonprofit Organizations and State and Local Governments

The 1970 and 1976 amendments to the Federal law extended coverage to service performed in the employ of each State and its political subdivisions, and to nonprofit organizations which employed four or more persons in 20 weeks. (See sec. 110 for services that may be excluded from coverage.) However, the method of financing benefits paid to employees of governmental entities and nonprofit organizations differs from that applicable to other employers.

250.01 NONPROFIT ORGANIZATIONS.--The Federal law provides that States must allow any nonprofit organization or group of organizations, which are required to be covered under the State laws, the option to elect to make payments in lieu of contributions. Prior to the 1970 amendments the States were not permitted to allow nonprofit organizations to finance their employees' benefits on a reimbursable basis because of the experience-rating requirements of the Federal law.

State laws permit two or more reimbursing employers jointly to apply to the State agency for the establishment of a group account to pay the benefit costs attributable to service in their employ. This group is treated as a single employer for the purposes of benefit reimbursement and benefit cost allocation.

States may permit noncharging of benefits to reimbursing employers. Unlike contributing employers, who cannot avoid potential liability to share with other contributing employers devices such as minimum contribution rates and solvency accounts in order to keep the fund solvent, reimbursing employers need not be fully liable for benefit costs to their employees and are not liable at all for the cost of any other benefits.

TAXATION

All States except Alabama and North Carolina provide that employers electing to reimburse the fund will be billed at the end of each calendar quarter, or other period determined by the agency, for the benefits paid during that period attributable to service in their employ. Alabama and North Carolina require a different method of assessing the employer. In these States, each nonprofit employer is billed a flat rate at the end of each calendar quarter, or other time period specified by the agency, determined on the basis of a percentage of the organization's total payroll in the preceding calendar year rather than on actual benefit costs incurred by the organization. However, North Carolina may waive the flat rate assessment under certain conditions. Modification in the percentage is made at the end of each taxable year in order to minimize future excess or insufficient payment. The agency is required to make an annual accounting to collect unpaid balances and dispose of overpayments. This method of apportioning the payments appears to be less burdensome than the quarterly reimbursement method because it spreads the benefit costs more uniformly throughout the calendar year. Seventeen States[1] permit a nonprofit organization the option of choosing either plan, with the approval of the State agency. Arkansas requires the State to use the first plan and nonprofit organizations and political subdivisions who choose reimbursement the second plan.

250.02 STATE AND LOCAL GOVERNMENTS.--The 1976 amendments required States to extend to governmental entities the option of reimbursing the State unemployment compensation fund for benefits paid as in the case of nonprofit organizations. The Federal law does not require a State law to provide any other financing provisions for governmental entities.

Most States, however, permit governmental entities to elect either to reimburse the fund for benefits paid or to pay taxes on the same basis as other employers in the State (Table 209). In addition, the legislatures of 16 States (Table 209, column 2) have specified by law the method of financing benefits based on service with the State. In all of these States except Oklahoma the method specified is reimbursement. Oklahoma requires the State to pay contributions at a rate of 1.0 percent of wages. A governmental entity which reimburses the fund may be liable for the full amount of extended benefits paid based on service in its employ because the Federal Government does not participate in the cost of these extended benefits attributable to service with governmental entities as it does with other employers.

A few States (Table 209, column 5) have provided, as a financing alternative, contributions systems different than those applicable to other employers in the State. In four of the States, all governmental entities electing to contribute pay at a flat rate--1.0 percent of wages in Illinois and Oklahoma; 1.5 percent in Tennessee; and 2.0 percent in Mississippi. The rates in Delaware, Iowa, North Dakota and Texas are adjusted depending on benefit costs; however, the minimum rate possible for any year in Texas is set at 0.1 percent. North Dakota may suspend these assessments when funds already collected are sufficient to offset anticipated obligations.

1/ Alaska, Calif., D.C., Idaho, Md., N.Dak., Ohio, P.R., S.C., S.Dak., Tenn., Utah, Vt., Va., V.I., Wash., W.Va.

Kansas, Louisiana, and Massachusetts have developed a similar experience rating system applicable to governmental entities that elect the contributions method. Under this system three factors are involved in determining rates: required yield, individual experience and aggregate experience. In Kansas the rate for employers not eligible for a computed rate is based on the benefit cost experience of all rated governmental employers. In this State no employer's rate may be less than 0.1 percent. In Massachusetts, the rate for employers not eligible for a computed rate is the average cost of all rated governmental employers but not less than 0.1 percent. Massachusetts also imposes an emergency tax of up to 1.0 percent when benefit charges reach a specified level.

In Montana, governmental entities that elect contributions pay at the rate of 0.4 percent of wages. Rates are adjusted annually for each employer under a benefit-ratio formula. New employers are assigned the median rate for the year in which they elect contributions and rates may not be lower than 0.1 percent or higher than 1.5 percent, in 0.1 percent intervals. New rates become effective July 1, rather than January 1, as in the case of the regular contributions system.

New Mexico permits political subdivisions to participate in a "local public body unemployment compensation reserve fund" which is managed by the risk management division. This special fund reimburses the State unemployment fund for benefits paid based on service with the participating political subdivision. The employer contributes to the special fund the amount of benefits paid attributable to service in its employ plus an additional unspecified amount to establish a pool and to pay administrative costs of the special fund.

Oregon has a "local government employer benefit trust fund" to which a political subdivision may elect to pay a percentage of its gross wages. The rate is redetermined each June 30 under a benefit ratio formula. No employer's rate may be less than 0.1 percent nor more than 5.0 percent. This special fund then reimburses the State unemployment compensation fund for benefits paid based on service with political subdivisions that have elected to participate in the special fund and repayments of advances and any interest due because of shortages in the fund.

In Washington, counties, cities and towns have the option of electing regular reimbursement or the "local government tax." Other political subdivisions may elect either regular reimbursement or regular contributions. Rates are determined yearly for each employer under a reserve ratio formula. The following minimum and maximum rates have been established: 0.2 percent and 3.0 percent. No employer's rate may increase by more than 1.0 percent in any year. The Commissioner may, at his discretion, impose an emergency excess tax of not more than 1.0 percent whenever benefit payments would jeopardize reasonable reserves. New employers pay at a rate of 1.25 percent for the first two years of participation. In Tennessee governmental entities who are contributing employers will pay rates ranging from 0.3 percent to 3.0 percent determined according to its reserve ratio.

TAXATION

California has three separate plans for governmental entities. The State is limited to contributions or reimbursement. Schools have, in addition to those two options, the option of making quarterly contributions of 0.5 percent of total wages to the School Employee's Fund plus a variable local experience charge to pay for administrative indiscretions.

In Mississippi political subdivision reimbursing employers may elect to pay 0.5 percent of taxable wages for noncharging of benefits under the same conditions as contributing employers.

(Next page is 2-23)

Table 200.--Summary of experience-rating provisions, 52 States[1]

State	Type of experience rating				Taxable wage base above $7,000 (37[1] States)	Wages include remuneration over $7,000 if subject to FUTA (44 States)	Voluntary contributions permitted (21 States)
	Reserve ratio (33 States)	Benefit ratio (14 States)	Benefit wage ratio (4 States)	Payroll declines (1 States)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Ala.	. . . .	. . . .	X	. . . . .	$ 8,000	X	. . . . .
Alaska	. . . .	. . . .	. . . .	Quarterly	$21,100[3]	X	. . . . .
Ariz.	X	. . . .	. . . . .	. . . . .	. . . . .	X	X
Ark.	X	. . . .	. . . .	. . . . .	$ 7,500	X	X[2]
Calif.	X	. . . .	. . . .	. . . . .	. . . . .	. . . .	. . . . .
Colo.	X	. . . .	. . . .	. . . . .	$10,000	X	X
Conn.	. . . .	X	. . . .	. . . . .	$ 7,100	X[4]	. . . . .
Del.	. . . .	. . . .	X	. . . . .	$ 8,500	X	. . . . .
D.C.	X	. . . .	. . . .	. . . . .	$ 8,000	X	. . . . .
Fla.	. . . .	X	. . . .	. . . . .	. . . . .	X	. . . . .
Ga.	X	. . . .	. . . .	. . . . .	$ 7,500	X[4]	. . . . .
Hawaii	X	. . . .	. . . .	. . . . .	$ 8,700[3]	X	. . . . .
Idaho	X	. . . .	. . . .	. . . . .	$16,200[3]	X	. . . . .
Ill.	. . . .	. . . .	X	. . . . .	$ 9,000	X[4]	. . . . .
Ind.	X	. . . .	. . . .	. . . . .	. . . . .	X[4]	X
Iowa	X	. . . .	. . . .	. . . . .	$11,000[3]	X	. . . . .
Kans.	X	. . . .	. . . .	. . . . .	$ 8,000	X	X[2]
Ky.	X	. . . .	. . . .	. . . . .	$ 8,000	X	. . . . .
La.	X	. . . .	. . . .	. . . . .	$ 8,500	X	X[2]
Maine	X	. . . .	. . . .	. . . . .	. . . . .	X	X
Md.	. . . .	X	. . . .	. . . . .	. . . . .	X	. . . . .
Mass.	X	. . . .	. . . .	. . . . .	. . . . .	X	. . . . .
Mich.	. . . .	X	. . . .	. . . . .	$ 9,500	X	X
Minn.	. . . .	X	. . . .	. . . . .	$11,700[3]	X	X[2]
Miss.	. . . .	X	. . . .	. . . . .	. . . . .	X	. . . . .
Mo.	X	. . . .	. . . .	. . . . .	$ 7,500[6]	X	X
Mont.	X	. . . .	. . . .	. . . . .	$12,600[3]	X	. . . . .
Nebr.	X	. . . .	. . . .	. . . . .	. . . . .	X	X
Nev.	X	. . . .	. . . .	. . . . .	$12,100[3]	X	. . . . .
N.H.	X	. . . .	. . . .	. . . . .	. . . . .	. . . .	. . . . .
N.J.	X	. . . .	. . . .	. . . . .	$12,000[3]	X	X
N. Mex.	X	. . . .	. . . .	. . . . .	$10,800[3]	X	X
N.Y.	X	. . . .	. . . .	. . . . .	. . . . .	X[4]	X
N.C.	X	. . . .	. . . .	. . . . .	$10,100[3]	X	X[2]
N.Dak.	X	. . . .	. . . .	. . . . .	$11,000[3]	X	X
Ohio	X	. . . .	. . . .	. . . . .	$ 8,000	X	X

(Table continued on next page)

Table 200.--Summary of experience-rating provisions, 52 States[1/](continued)

State	Type of experience rating				Taxable wage base above $7,000 (37[1/] States)	Wages include remuneration over $7,000 if subject to FUTA (44 States)	Voluntary contributions permitted (21 States)
	Reserve ratio (33 States)	Benefit ratio (14 (States)	Benefit wage ratio (4 States)	Payroll declines (1 States)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Okla.	. . . .	. . . .	X	. . . . .	$ 9,100[3/]	. . . . .	. . . . .
Oreg.	. . . .	X	. . . .	. . . . .	$14,000[3/]	. . . . .	. . . . .
Pa.	. . . .	X[5/]	. . . .	. . . . .	$ 8,000	X[4/]	X
R.I.	X	. . . .	. . . .	. . . . .	$12,000[3/]	X[4/]	. . . . .
S.C.	X	. . . .	. . . .	. . . . .	. . . . .	X	. . . . .
S.Dak.	X	. . . .	. . . .	. . . . .	. . . . .	X[4/]	X
Tenn.	X	. . . .	. . . .	. . . . .	. . . . .	X[4/]	. . . . .
Tex.	. . . .	X	. . . .	. . . . .	$ 8,000	. . . . .	. . . . .
Utah	. . . .	X	. . . .		$13,200[3/]	X	. . . . .
Vt.	. . . .	X	. . . .	. . . . .	$ 8,000	X	. . . . .
Va.	. . . .	X	. . . .	. . . . .	. . . . .	. . . . .	. . . . .
V.I.*	X	. . . .	. . . .	. . . . .	$14,500[3/]	. . . . .	. . . . .
Wash.	. . . .	X	. . . .		$15,100[3/]	. . . . .	. . . . .
W.Va.	X	. . . .	. . . .	. . . . .	$ 8,000	X	X
Wis.	X	. . . .	. . . .	. . . . .	$10,500	X	X[2/]
Wyo.	. . . .	X	. . . .	. . . . .	$10,200[3/]	X	. . . . .

*Figure for taxable wage base was not available at press time

[1/]Excludes P.R. which has no experience-rating system and which levies a tax on $7,000. See Tables 201 to 206 for more detailed analysis of experience-rating provisions.

[2/]Voluntary contributions limited to amount of benefits charged during 12 months preceding last computation date, Ark and La.; ER receives credit for 100% of any voluntary contributions made to fund, N.C.; reduction in rate because of voluntary contributions limited to two rate groups for positive-balance ER's, other limitations apply for negative-balance ER's, Kans., and Wisc.; surcharge added equal to 25% of benefits canceled by voluntary contributions unless voluntary payment is made to overcome charges incurred as result of unemployment of 75% or more of ER's workers caused by damages from fire, flood, or other acts of God, Minn.; not permitted for yrs. in which rate schedule higher than basic schedule is in effect or in which additional surtax or solvency rates apply, La.

[3/]See following table for computation of flexible taxable wage bases for States noted.

[4/]Wages include all kinds of remuneration subject to FUTA.

[5/]Formula includes reserve ratio, Pa..

[6/]If the balance in the trust fund less Federal advances is less than $100 million, the taxable wage base will increase by $500 or if $250 million or more, it will be reduced by $500, Mo. (therefore in 1988 it's $7,000). If the trust fund balance is more than $350 million the wage base will be $9,000, Colo...

Table 201.--Computation of Flexible Taxable Wage Bases

State	Computed as--		Period of time used--		
	% of State average annual wage (14 States)	Other (4 State)	Preceding CY (9 States)	12 months ending June 30 (5 States)	Second preceding CY (3 States)
(1)	(2)	(3)	(4)	(5)	(6)
Ala.					
Alaska	75 1/			X	
Ariz.					
Ark.					
Calif.					
Colo.					
Conn.					
Del.					
D.C.					
Fla.					
Ga.					
Hawaii	100 1/4/			X	
Idaho	100 1/				X
Ill.					
Ind.					
Iowa		66-2/3% 3/	X		
Kans.					
Ky.					
La.					
Maine					
Md.					
Mass.					
Mich.					
Minn.	60 1/		X		
Miss.					
Mo.					
Mont.	80 1/		X		
Nebr.					
Nev.	66-2/3 1/		X		
N.H.					
N.J.		28 x State aww 1/	X		
N.Mex.	65 1/			X	
N.Y.					
N.C.	60 1/				
N.Dak.	70 1/			X	
Ohio					
Okla.	50 1/		X		
Oreg.	80 1/				X
Pa.					
P.R.					
R.I.	70 1/		X		
S.C.					
S.Dak.					

(Table continued on next page)

Table 201.--Computation of Flexible Taxable Wage Bases (Continued)

State	Computed as--		Period of time used--		
	% of State average annual wage (14 States)	Other (4 State)	Preceding CY (9 States)	12 months ending June 30 (5 States)	Second preceding CY (3 States)
(1)	(2)	(3)	(4)	(5)	(6)
Tenn.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Tex.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Utah	. . . . .	. 75 2/	. . . . .	X	. . . . .
Vt.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Va.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
V.I.	100 1/	. . . . .	. . . . .	X	. . . . .
Wash.	. . . . .	115 2/	X 2/	. . . . .	. . . . .
W.Va.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Wis.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Wyo.	55 1/	. . . . .	X	. . . . .	. . . . .

1/ Rounded to the nearest $100, Alaska, Hawaii, Minn., Mont., Nev., N.C., N.Dak., and Okla.; $500, V.I.; $600, Idaho; higher $100, Iowa, N.J., N.Mex., Utah; higher $200, R.I.; nearest $1,000, Oreg.; lower $100, Wyo..

2/ 115 percent of the previous year's taxable wage base rounded to the lower $100, but not to exceed 80 percent of aaw for the 2nd preceding CY rounded to the lower $300, Wash.; 75 percent of the prior average fiscal year wage rounded to the higher $100, Utah.

3/ 66-2/3 percent of the State aww, multiplied by 52, or the Federal taxable wage base, Iowa.

4/ For CY 1988, 100 percent of aaw if the ratio of the current reserve to the adequate reserve fund is equal to or less than .80; or 75 percent if greater than .80 but less than 1.2; or 50 percent if equal to or more than 1.2, Hawaii.

Table 202.--Computation Date, Effective Date, Period of Time to Qualify for Experience Rating, and Reduced Rates for New Employers

State	Computation date	Effective date for new rates	Period of time needed to qualify for experience rating		Reduced rate for new employers[2]
			At least 3 years	Less than 3 years[1]	
(1)	(2)	(3)	(4)	(5)	(6)
Ala.	Oct. 1	Jan. 1	. . . . .	1 year	X
Alaska	June 30	Jan. 1	. . . . .	1 year[1]	X
Ariz.	July 1	Jan. 1	. . . . .	1 year	X
Ark.	June 30	Jan. 1	X	. . . . .	X
Calif.	June 30	Jan. 1	. . . . .	12 months	. . . . .
Colo.	July 1	Jan. 1	. . . . .	36 months	. . . . .
Conn.	June 30	Jan. 1	. . . . .	1 year [1]	X
Del.	Oct. 1	Jan. 1	. . . . .	2 years	X
D.C.	June 30	Jan. 1	X	. . . . .	X
Fla.	Dec. 31	Jan. 1	. . . . .	2 years	X
Ga.	June 30	Jan. 1	. . . . .	1 year	X
Hawaii	Dec. 31	Jan. 1	. . . . .	1 year	X
Idaho	June 30	Jan. 1	. . . . .	1 year	. . . . .
Ill.	June 30	Jan. 1	X [1]	. . . . .	X
Ind.	June 30	Jan. 1	X [1]	. . . . .	X
Iowa	July 1	Jan. 1	5 years	. . . . .	X
Kans.	June 30	Jan. 1	. . . . .	2 years	X
Ky.	Oct. 31	Jan. 1	X	. . . . .	X
La.	June 30	Jan. 1	. . . . .	2 years	. . . . .
Maine	June 30	Jan. 1	. . . . .	2 years	X
Md.	May 31	July 1	. . . . .	2 years	X
Mass.	Sept. 30	Jan. 1	. . . . .	1 year	X
Mich.	June 30	Jan. 1	. . . . .	2 years [4]	X
Minn.	June 30	Jan. 1	. . . . .	1 year	X
Miss.	June 30	Jan. 1	. . . . .	1 year	X
Mo.	July 1	Jan. 1	. . . . .	1 year	X
Mont.	Sept. 30	Jan. 1	X	. . . . .	. . . . .
Nebr.	Dec. 31	Jan. 1	. . . . .	1 year [1]	X
Nev.	June 30	Jan. 1	. . . . .	2-1/2 years	X
N.H.	Jan. 31	July 1	. . . . .	1 year	X
N.J.	Dec. 31	July 1	X	. . . . .	X
N.Mex.	June 30	Jan. 1	X	. . . . .	X
N.Y.	Dec. 31	Jan. 1	. . . . .	1 year	X
N.C.	Aug. 1	Jan. 1	. . . . .	More than 13 mos.	X
N.Dak.	Sept. 30	Jan. 1	. . . . .	2 years	X
Ohio	July 1	Jan. 1	. . . . .	1 year	X
Okla.	Dec. 31	Jan. 1	. . . . .	1 year	X
Oreg.	June 30	Jan. 1	. . . . .	1 year	X
Pa.	June 30	Jan. 1	. . . . .	18 months[1]	X
R.I.	Sept. 30	Jan. 1	X	. . . . .	X
S.C.	July 1 [3]	Jan. 1 [3]	. . . . .	2 years [1]	X
S.Dak.	Dec. 31	Jan. 1	. . . . .	2 years	X
Tenn.	Dec. 31	July 1	X	. . . . .	X

(Table continued on next page)

Table 202.--Computation Date, Effective Date, Period of Time to Qualify for Experience Rating, and Reduced Rates for New Employers (Continued)

State	Computation date	Effective date for new rates	Period of time needed to qualify for experience rating		Reduced rate for new employers[2]
			At least 3 years	Less than 3 years[1]	
(1)	(2)	(3)	(4)	(5)	(6)
Tex.	Oct. 1 [3]	Jan. 1 [3]	. . . . .	1 year	X
Utah	Jan. 1	Jan. 1	. . . . .	1 year	X
Vt.	Dec. 31	July 1	. . . . .	1 year	X
Va.	June 30	Jan. 1	. . . . .	1 year	X
V.I.	Dec. 31	Jan. 1	X	. . . . .	. . . . .
Wash.	July 1	Jan. 1	. . . . .	2 years [1]	X
W.Va.	June 30	Jan. 1	X	. . . . .	X
Wis.	June 30	Jan. 1	. . . . .	18 months	X
Wyo.	June 30	Jan. 1	X	. . . . .	X

[1] Period shown is period throughout which ER's account was chargeable or during which payroll declines were measurable. In States noted, requirements for experience rating are stated in the law in terms of subjectivity, Alaska, Conn., Ind., and Wash.; in which contributions are payable, Ill. and Pa.; coverage, S.C.; or in addition to the specified period of chargeability, contributions payable in the 2 preceding CYs, Nebr.

[2] Immediate reduced rate for newly-covered ERs until such time as the ER can qualify for a rate based on experience.

[3] For newly-qualified ER, computation date is end of quarter in which ER meets experience requirements and effective date is immediately following quarter, S.C. and Tex..

[4] An ER's rate will not include a nonchargeable benefits component for the first 4 years of subjectivity, Mich..

Table 203.--Years of Benefits, Contributions, and Payrolls Used in Computing Rates of Employers with at Least 3 Years of Experience, by Type of Experience-rating formula

State (1)	Years of benefits used 1/ (2)	Years of payrolls used 2/ (3)
	Reserve-ratio formula	
Ariz.	All past years.	Average 3 years. 2/
Ark.	All past years.	Average last 3 or 5 years. 3/
Calif.	All past years.	Average 3 years. 2/
Colo.	All past years.	Average 3 years.
D.C.	All since July 1, 1939.	Average 3 years. 2/
Ga.	All past years.	Average 3 years.
Hawaii	All past years.	Average 3 years.
Idaho	All since Jan. 1, 1940.	Average 4 years.
Ind.	All past years.	Aggregate 3 years.
Iowa	All past years.	Average 3 years.
Kans.	All past years.	Average 3 years. 2/
Ky.	All past years.	Aggregate 3 years.
La.	All since Oct. 1, 1941.	Average 3 years.
Maine	All past years.	Average 3 years.
Mass.	All past years.	Last year.
Mo.	All past years. 1/	Average 3 years.
Mont.	All years since Oct. 1, 1981	Average 3 years.
Nebr.	All past years.	Average 4 years.
Nev.	All past years.	Average 3 years.
N.H.	All past years. 1/	Average 3 years.
N.J.	All past years.	Average last 3 or 5 years. 3/
N.Mex.	All past years.	Average 3 years.
N.Y.	All past years.	Average 3 years. 2/
N.C.	All past years.	Aggregate 3 years.
N.Dak.	All past years.	Average 3 years.
Ohio	All past years.	Average 3 years.
R.I.	All since Oct. 1, 1958.	Average 3 years.
S.C.	All past years.	Last year.
S.Dak.	All past years.	Aggregate 3 years.
Tenn.	All past years.	Average 3 years.
V.I.	Last 3 years.	Last 3 years.
W.Va.	All past years.	Average 3 years.
Wis.	All past years.	Last year.
	Benefit-ratio formula	
Conn.	Last 3 years.	Last 3 years. 2/
Fla.	Last 3 years.	Last 3 years. 2/
Md.	Last 3 years.	Last 3 years. 2/
Mich.	Last 5 years.	Last 5 years.
Minn.	Last 5 years.	Last 5 years.
Miss.	Last 3 years.	Last 3 years.
Oreg.	Last 3 years.	Last 3 years.
Pa. 4/	Average 3 years.	Average 3 years.

(Table continued on next page)

Table 203.--Years of Benefits, Contributions, and Payrolls Used in Computing Rates of Employers with at Least 3 Years of Experience, by Type of Experience-rating formula (Continued)

State	Years of benefits used 1/	Years of payrolls used 2/
(1)	(2)	(3)
	Benefit-ratio formula (Continued)	
Tex.	Last 3 years.	Last 3 years.
Utah	Last 4 years. 3/	Last 4 years. 3/
Vt.	Last 3 years.	Last 3 years.
Va.	Last 4 years.	Last 4 years.
Wash.	Last 4 years.	Last 4 years.
Wyo.	Last 3 years.	Last 3 years.
	Benefit-wage-ratio formula	
Ala.	Last 3 years.	Last 3 years.
Del.	Last 3 years.	Last 3 years.
Ill.	Last 3 years.	Last 3 years.
Okla.	Last 3 years.	Last 3 years.
	Payroll-decline formula	
Alaska	. . . . .	Last 3 years.

1/ In reserve-ratio States yrs. of contributions used are same as yrs. of benefits used. Or last 5 yrs., whichever is to the ER's advantage, Mo.; or last 5 yrs. under specified conditions, N.H..

2/ Years immediately preceding or ending on computation date. In States noted, yrs. ending 3 months before computation date, D.C., Fla., Md., and N.Y. or 6 months before such date, Ariz., Calif., Conn., and Kans..

3/ Whichever is lesser, Ark.; whichever is higher, N.J.. ERs with 3 or more yrs.' experience may elect to use the last yr., Ark.. If 4 yrs. not available, Utah will use less up to 1 year minimum.

4/ Formula includes reserve ratio, Pa..

Table 204.--Transfer of Experience for Employer Rates, 51 States [1]

State	Total Transfers		Partial Transfers			Rate for successor [2]	
	Mandatory (41 States)	Optional (12 States)	Mandatory (16 States)	Optional (25 States)	Enterprise must be continued (28 States)	Previous rate continued (30 States)	Based on Combined experience (21 States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Ala.	X			X			X
Alaska [3]	X						X
Ariz.	X			X	X	X	
Ark.	X			X	X	X	
Calif. [3]		X		X	X		X
Colo. [3]	X			X	X	X	
Conn.	X [5]		X [5]			X [5]	
Del.		X [4]			X		X
D.C. [3]	X				X	X	
Fla.	X			X	X		X
Ga.	X			X	X		X
Hawaii		X				X	
Idaho		X [4]		X [4]	X		X
Ill.	X			X		X	
Ind.	X			X		X	
Iowa	X		X		X		X
Kans.	X			X	X	X	
Ky.	X		X			X	
La.	X		X			X	
Maine	X					X	
Md.	X			X [6]	X	X	
Mass.	X				X	X	
Mich.	X			X		X	
Minn.	X		X		X		X
Miss.	X			X	X	X	
Mo.	X		X [7]		X		
Mont.	X [8]		X [8]				X
Nebt.		X		X			X
Nev. [3]		X		X			X
N.H.	X			X	X	X	
N.J. [3]	X [9]	[9]		X	X	X	
N.Mex.	X			X	X	X	
N.Y.	X		X		X		X
N.C.		X		X		X	
N.Dak. [3]		X				X	
Ohio	X		X		X	X	
Okla.	X			X	X		X
Oreg.	X					X	
Pa.	[9]	X [9]	[9]	X [9]	X	X [10]	
R.I. [3]		X		X [7]		X	
S.C.	X			X	X		X
S.Dak.		X					X

(Table continued on next page)

Table 204.--Transfer of Experience for Employer Rates, 51 States [1] (Continued)

State	Total Transfers		Partial Transfers			Rate for successor [2]	
	Mandatory (41 States)	Optional (12 States)	Mandatory (16 States)	Optional (25 States)	Enterprise must be continued (28 States)	Previous rate continued (30 States)	Based on Combined experience (21 States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Tenn. [3]	X	. . . .	X	. . . .	X	X	. . . . .
Tex.	X	. . . .	. . . .	X	X	X	. . . . .
Utah	X	. . . .	X	. . . .	. . . . .	. . . . .	X
Vt.	X	. . . .	. . . .	. . . .	X	. . . . .	X
Va.	X	. . . .	X	. . . .	. . . . .	X	. . . . .
Wash.	X	. . . .	X	. . . .	. . . . .	. . . . .	X
W.Va.	X	. . . .	X [7]	. . . .	. . . . .	X	. . . . .
Wis.	X	. . . .	X	. . . .	X	. . . . .	X
Wyo.	X	. . . .	. . . .	. . . .	. . . . .	X	. . . . .

[1] Excluding P.R. which has no experience-rating provision and the V.I., which has no provision for transfer of experience.

[2] Rate for remainder of rate yr. for a successor who was an ER prior to acquisition.

[3] No transfer may be made if it is determined that the acquisition was made solely for purpose of qualifying for reduced rate, Alaska, Calif., Colo., Nev., R.I., and Tenn.; if total wages allocable to transferred property are less than 25% of predecessor's total, D.C.; if agency finds employment experience of the enterprise transferred may be considered indicative of the future employment experience of the successor, N.J.; transfer may be denied if good cause shown that transfer would be inequitable, N.Dak..

[4] Transfer is limited to one in which there is substantial continuity of ownership and management, Del.; if predecessor had a deficit experience-rating account as of last computation date, transfer is mandatory unless it can be shown that management or ownership was not substantially the same, Idaho.

[5] By agency interpretation.

[6] Partial transfers limited to those establishments formerly located in another State.

[7] Partial transfers limited to acquisitions of all or substantially all of ER's business, Mo., and W.Va.; to separate establishments for which separate payrolls have been maintained, R.I.

[8] Optional (by regulation) if successor was not an ER.

[9] Optional if predecessor and successor were not owned or controlled by same interest and successor files written notice protesting transfer within 4 months; otherwise mandatory, N.J.; transfer mandatory if same interests owned or controlled both the predecessor and the successor, Pa..

[10] Successor ERs may pay the maximum tax rate if the transferring ER elected to transfer the business.

Table 205.--Employers Charged and Benefits Excluded from Charging, 51 States Which Charge Benefits or Benefit Derivatives

State	Base-period employer charged			Benefits excluded from charging					
							Major disqualification involved		
	Proportionately (35 States)	In inverse order of employment up to amount specified (11 States) 2/	Employer specified (8 States)	Federal-State extended benefits (15 States)	Benefit award finally reversed (32 States)	Reimbursements on combined wage claims (20 States)	Voluntary leaving (45 States)	Discharge for misconduct (42 States)	Refusal of suitable work (14 States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ala. 1/	x 6/	. . . . .	. . . . .	. . . .	x	. . . .	x	x 3/	. . . . .
Ariz.	x 6/	. . . . .	. . . . .	. . . .	x	x 10/13/	x 4/	x	. . . . .
Ark.	x	. . . . .	. . . . .	x	. . . .	. . . .	x	x	. . . . .
Calif.	x 6/	. . . . .	. . . . .	. . . .	x	. . . .	x 4/	x 4/	. . . . .
Colo.	. . . .	1/3 wages up to 1/2 of 26 x current wba. 6/	. . . . .	. . . .	x	x	x	x	. . . . .
Conn.	x 6/	. . . . .	. . . . .	. . . .	. . . .	. . . .	x 4/	x	x 3/
Del. 1/	x 6/	. . . . .	. . . . .	. . . .	x	x	x	x	. . . . .
D.C.	x 6/	. . . . .	. . . . .	. . . .	. . . .	. . . .	x	x	. . . . .
Fla.	x 6/	. . . . .	. . . . .	. . . .	x	. . . .	x	x	x 3/
Ga.	x 6/	. . . . .	. . . . .	. . . .	x	x 10/	x 4/	x	x 3/
Hawaii	x 6/	. . . . .	. . . . .	x	. . . .	x	x	x	x
Idaho	. . . .	. . . . .	Principal 7/6/	x	x	x 10/	x	x	. . . . .
Ill. 1/	x 6/	. . . . .	. . . . .	. . . .	. . . .	x 10/	x 4/	. . . . .	. . . . .
Ind.	x 6/7/	6/ 7/	. . . . .	. . . .	. . . .	x 10/	. . . .	. . . . .	. . . . .
Iowa	. . . .	In proportion to BP wages paid by ER. 6/	. . . . .	x	x	x 10/	x	x	x
Kans.	x 6/	. . . . .	. . . . .	x	. . . .	x 10/	x	x	. . . . .

(Table continued on next page)

Table 205.--Employers Charged and Benefits Excluded from Charging, 51 States Which Charge Benefits or Benefit Derivatives (Continued)

State	Base-period employer charged			Benefits excluded from charging					
							Major disqualification involved		
	Proportionately (35 States)	In inverse order of employment up to amount specified (11 States) 2/	Employer specified (8 States)	Federal-State extended benefits (15 States)	Benefit award finally reversed (32 States)	Reimbursements on combined wage claims (20 States)	Voluntary leaving (45 States)	Discharge for misconduct (42 States)	Refusal of suitable work (14 States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ky.	. . . .	. . . . .	Most recent 6/	. . . .	. . . .	x 10/	x	x	. . . . .
La.	x 6/	. . . . .	. . . . .	. . . .	x	. . . .	x 4/	x	x
Maine	. . . .	. . . . .	Most recent 6/	x	x	x 10/	x	x	x 3/
Md.	6/7/	. . . . .	Principal 6/7/	. . . .	x	. . . .	10/	. . . . .	. . . . .
Mass.	. . . .	36% of base period wages.	. . . . .	. . . .	x	. . . .	x	x 4/	. . . . .
Mich.	. . . .	3/4 credit wks. up to 35. 8/	. . . . .	. . . .	. . . .	. . . .	x 8/	x 8/	8/
Minn. 12/	x 6/9/	. . . . .	. . . . .	. . . .	x	. . . .	x	x	x 3/
Miss.	x 6/	. . . . .	. . . . .	. . . .	. . . .	. . . .	x	x	x 3/
Mo.	x 6/	. . . . .	. . . . .	. . . .	x	. . . .	x 4/	x	x
Mont.	. . . .	. . . . .	Principal 6/7/	x	. . . .	. . . .	x	x	. . . . .
Nebr.	. . . .	1/3 base-period wages.	. . . . .	. . . .	x	. . . .	x	x	. . . . .
Nev.	x 14/	. . . . .	. . . . .	x	. . . .	x 10/	x	x	. . . . .
N.H.	. . . .	. . . . .	Most recent 6/ 16/	. . . .	. . . .	x 10/	. . . .	. . . . .	. . . . .

(Table continued on next page)

Table 205.--Employers Charged and Benefits Excluded from Charging, 51 States Which Charge Benefits or Benefit Derivatives (Continued)

State	Base-period employer charged			Benefits excluded from charging					
							Major disqualification involved		
	Proportionately (35 States)	In inverse order of employment up to amount specified (11 States) 2/	Employer specified (8 States)	Federal-State extended benefits (15 States)	Benefit award finally reversed (32 States)	Reimbursements on combined wage claims (20 States)	Voluntary leaving (45 States)	Discharge for misconduct (42 States)	Refusal of suitable work (14 States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
N.J.	X	3/4 base weeks up to 35. 11/	. . . . .	. . . .	X	. . . .	. . . .	. . . . .	. . . . .
N.Mex.	X	. . . . .	. . . . .	X	X	. . . .	X	X	. . . . .
N.Y.	. . . .	Credit weeks up to 26. 6/	. . . . .	. . . .	. . . .	. . . .	. . . .	. . . . .	. . . . .
N.C. 12/	X 6/ 15/	. . . . .	. . . . .	. . . .	X	. . . .	X	X 4/	. . . . .
N.Dak. 12/	X	. . . . .	. . . . .	. . . .	X	. . . .	X	X	. . . . .
Ohio	. . . .	1/2 wages in credit weeks.	. . . . .	. . . .	. . . .	X 10/	X 4/	X	X
Okla. 1/ 12/	X 6/ 4/	. . . . .	. . . . .	. . . .	X	. . . .	X	X	. . . . .
Oreg.	X 5/ 6/	. . . . .	. . . . .	X	X	X 10/	X	X	. . . . .
Pa. 12/	X 6/	. . . . .	. . . . .	. . . .	. . . .	. . . .	X	X	. . . . .
R.I.	X 6/	. . . . .	. . . . .	. . . .	X	. . . .	X	X	. . . . .
S.C.	. . . .	. . . . .	Most recent 6/	X	X	. . . .	X	X	X 3/
S.Dak.	. . . .	In proportion to BP wages paid by ER. 6/	. . . . .	X	X	. . . .	X 4/	X 4/	. . . . .

(Table continued on next page)

Table 205.--Employers Charged and Benefits Excluded from Charging, 51 States Which Charge Benefits or Benefit Derivatives (Continued)

State	Base-period employer charged			Benefits excluded from charging					
							Major disqualification involved		
	Proportionately (35 States)	In inverse order of employment up to amount specified (11 States) 2/	Employer specified (8 States)	Federal-State extended benefits (15 States)	Benefit award finally reversed (32 States)	Reimbursements on combined wage claims (20 States)	Voluntary leaving (45 States)	Discharge for misconduct (42 States)	Refusal of suitable work (14 States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Tenn. 12/	X	. . . . .	. . . . .	. . . .	X	. . . .	X	X	. . . . .
Tex.	X	. . . . .	. . . . .	. . . .	X	. . . .	X	X	. . . . .
Utah	X 6/	. . . . .	. . . . .	X	X	X	X	X	. . . . .
Vt.	X	. . . . .	. . . . .	. . . .	. . . .	X	X 4/	X	X
Va. 1/	. . . .	. . . . .	Most recent 6/	. . . .	. . . .	X	. . . .	. . . . .	. . . . .
V.I.	X	. . . . .	. . . . .	. . . .	. . . .	. . . .	. . . .	. . . . .	. . . . .
Wash.	X	. . . . .	. . . . .	X	X	X 10/	X	X	. . . . .
W.Va.	X	. . . . .	. . . . .	. . . .	X	. . . .	X	X	. . . . .
Wis.	. . . .	8/10 credit weeks up to 43.	. . . . .	. . . .	X	. . . .	X	. . . . .	. . . . .
Wyo.	X 6/	. . . . .	. . . . .	X	X	. . . .	X	X	. . . . .

1/State has benefit-wage-ratio formula; benefit wages are not charged for claimants whose compensable unemployment is of short duration (sec. 220.03).

2/Limitation on amount charged does not reflect those States charging one-half of Federal-State extended benefits. For States that noncharge these benefits see column 5.

3/Half of charged omitted if separation due to misconduct; all charges omitted if separation due to aggravated misconduct, Ala.; omission of charge is limited to refusal of reemployment in suitable work, Fla., Ga., Maine, Minn., Miss., and S.C..

(Footnotes continued on next page)

(Footnotes for Table 205 continued)

4/Charges are omitted also for claimants leaving for compelling personal reasons not attributable to ER and not warranting disqualification, as well as for claimants leaving work due to private or lump-sum retirement plan containing mutually-agreed-upon mandatory age clause, Ariz.; for claimant who was student employed on temporary basis during BP and whose employment began within vacation and ended with leaving to return to school, or for claimant who left work to accompany a spouse; also, for individuals who were discharged or who quit as a result of an irrestible compulsion to use or consume intoxicants, Calif.; for a claimant's most recent separation to study or voluntary retirement provided the ER filed a notice for appeal, Conn.; for claimants who retire under agreed-upon mandatory-age retirement plan, Ga.; for claimant convicted of felony or misdemeanor, Mass.; for claimant who left to accept another job and held it long enough to earn six times wba and then was separated from new work, Ill.; for a claimant who left part-time or interim employment in order to protect full-time or regular employment, La.; for claimant leaving to accept more remunerative job, Mo.; for claimant who left to accept recall from a prior ER or to accept other work beginning within 7 days and lasting at least 3 wks.; also exempts leaving pursuant to agreement permitting EE to accept lack-of-work separation and leaving unsuitable employment that was concurrent with other suitable employment, Ohio; if ER recalls a laid-off or separated EE and the EE continues to be employed, or voluntarily terminates employment or is discharged for misconduct within the BY, benefit charges may be reduced by the ratio of remaining wks. of eligibility to the total wks. of entitlement, Okla.; if benefits are paid after voluntary leaving (also because of pregnancy or marital obligations) discharge for misconduct, 50 percent of such benefits shall be prorated among all of the ER experience rating accounts, S.Dak.; if claimant's employment or right to reemployment was terminated by his retirement pursuant to agreed-upon plan specifying mandatory retirement age, Vt.; if discharged for nonperformance due to medical reasons, Utah; if discharged for substantial fault, or for the inability to do the work for which hired pursuant to a job order placed with the agency for a probationary period of 100 days, N.C..

5/Charges omitted if ER furnished part-time work to the individual during the BP and if the individual is collecting benefits due to loss of employment with one or more other ERs, Oreg..

6/Charges omitted for ERs who paid claimant less than $300, Conn. and $100 Fla. and S.Dak.; less than $500, Colo.; less than 8 x wba, S.C.; or who employed claimant less than 10 wks., Ky., and 30 days, Va.; not more than 3 wks., Mont. by regulation; less than 5 wks., Maine; less than 4 consec. wks., N.H.; or who employed claimant less than 28 days and paid him less than $400, Mo.; if worker continues to perform services for the ER, Idaho, Ind., and in Iowa if ER appeals for a rate recomputation within 30 days of notification of charges. Some States omit charges if the ER continues to employ claimant in part-time work to the same extent as in the BP, see text (Sec. 235) for details.

7/ER who paid largest amount of BPW, Idaho and Mont.; law also provides for charges to BP ERs in inverse order, Ind.. ER who paid 75% of BPW; if no principal ER, benefits are charged proportionately to all BP ERs, Md..

8/Benefits paid based on credit wks. earned with ERs involved in disqualifying acts or discharges, or in periods of employment prior to disqualifying acts or discharges are charged last in inverse order. If an individual is laid off from one ER, benefits will be charged to that ER but if another ER pays the individual wages for the same wk. benefits are paid, benefits shall be noncharged to that ER.

(Footnotes continued on next page)

(Footnotes for Table 205 continued)

9/An ER who paid 90% of a claimant's BPW in one BP not charged for benefits based on earnings during subsequent BP unless he employed the claimant in any part of such subsequent BP.

10/Charges omitted if claimant paid less than min. qualifying wages, Ariz., Ark., Ga., Ill., Kans., Maine, Nev., N.H., Ohio, Oreg., Wash.; when total BPW paid by other than last ER is less than $500, Colo.; for benefits in excess of the amount payable under State law, Idaho, Ind., Iowa, N.H. and Oreg.; and for benefits based on a period previous to the claimant's BP, Ky.; if claimant left voluntarily without good cause attributable to work, to accept a better job or left to enter approved training, Md..

11/But not more than 50% of BPW if ER makes timely application.

12/Charges omitted if benefits are paid due to a natural disaster, Minn., N.C., N.Dak., Okla., Pa., Tenn..

13/By regulation.

14/An ER who paid 75 percent of a claimant's BPW will be charged (except those for which a reimbursing ER is liable) with all benefits paid, but the agency may noncharge benefits paid after a voluntary quit or a misconduct discharge if the ER provides appropriate evidence to the agency.

15/The amount allocated to a BP ER's account shall be multiplied by 120% and then charged to him.

16/Benefits paid following disqualifications for voluntary leaving, discharge for misconduct and refusal of suitable work will be charged to the ER's account who furnished the employment, N.H..

Table 206.--Fund Requirements for Most and Least Favorable Schedules and Range of Rates for Those Schedules [1]

State	Most favorable schedule			Least favorable schedule [2]		
	Fund must equal at least	Range of rates		When fund balance is less than	Range of rates	
		Min.	Max.		Min.	Max.[13]
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.[3][11]	More than min. normal amount [8]	0.5	5.4	Min. normal amount [8]	0.5	5.4
Alaska[11]	Reserve multiple equals 3.0 [8]	1.0	6.5	Reserve multiple less than 0.33% [8]	1.0	6.5
Ariz.	12% of payrolls	0.1	[12]	3% of payrolls	2.9[12]	5.4[12][13]
Ark.[11]	More than 5% of payrolls	0	5.9	2.5% of payrolls	0.1	6.0
Calif.	1.8% of payrolls	0.3	5.4	1.0% of payrolls	1.3[11]	5.4[11]
Colo.[11]	$350 million	0	5.4	0 or deficit	1.0	5.4
Conn.	More than 8% of payrolls[2]	0.5	5.4	0.4% of payrolls[2]	1.5	6.4
Del.[11]	Not specified	0.1	8.0[5]	Not specified	0.1	8.0[5]
D.C.[11]	1.5 x benefits	0.8	5.4	1.5 x benefits and less than preceding year	0.8	5.4
Fla.[5]	More than 5% of payrolls	0.1	Not specified	4% of payrolls	Not specified	5.4[13]
Ga.	5.0% of payrolls	0.01	5.4	3.0% of payrolls	0.06	8.64
Hawaii[8]	2 x adequate reserve fund	0	5.4	0.2 x adequate reserve fund	2.6	5.4
Idaho	5.0% of payrolls	0.1	5.4	1.5% of payrolls	2.9	6.8
Ill.[11]	[9]	0.2	6.7[9]	[9]	0.2[9]	6.7
Ind.	4.5% of payrolls	0.02	5.4	0.85% of payrolls	1.3	5.4
Iowa[8][11]	Current reserve fund ratio highest benefit cost rate	0.0	5.4	Current reserve fund ratio highest benefit cost rate	0.0	9.0
Kans.	5% of payrolls	.025	5.4	1.5% of payrolls	.025	5.4
Ky.[11]	$350 million	0.30	9.0	$150 million	1.0	10.0
La.[11]	Not specified	0.3	6.0	Not specified	0.3	6.0
Maine	Reserve multiple of over 2.5	0.5	5.4	Reserve multiple of under .45	2.4	6.5
Md.	8.5% of payrolls	0.1	5.4	3.6% of payrolls	2.8	6.0[13]
Mass.[11]	2.3% of payrolls	1.2	5.4	0.8% of payrolls	3.0	7.2
Mich.[11]	Not specified	0	8.0	Not specified	1.0	10.0
Minn.[11]	$300 million	0.1	8.0	$200 million	0.8	8.0
Miss.[3]	. . . . .	0.1	5.4	4% of payrolls	0.1	6.4
Mo.[11]	$400 million	0	5.4	$200 million	0	7.8

(Table continued on next page)

Table 206.--Fund Requirements for Most and Least Favorable Schedules and Range of Rates for Those Schedules 1/ (Continued)

State	Most favorable schedule			Least favorable schedule 2/		
	Fund must equal at least	Range of rates		When fund balance is less than	Range of rates	
		Min.	Max.		Min.	Max. 13/
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Mont.	1.5% of payrolls	0.0	6.4	0.5% of payrolls	1.7	6.4
Nebr. 4/	4/	. .	. . .	4/	. .	5.4
Nev.	Not specified	0.3	5.4	Max. annual bens. payable	0.3	5.4
N.H. 11/	$110 million	0.01	6.5	6/	2.8	6.5
N.J.	10% of payrolls	0.3	5.4	2.5% of payrolls	1.2 13/	7.0 13/
N.Mex.	4% of payrolls	0.1	5.4	1% of payrolls	2.7	5.4
N.Y. 2/	5% of payrolls	0.0	5.4	Less than 0% of payrolls and less than $12 million in general account.	2.1 5/	6.4 5/
N.C.	9.5% of payrolls	0.01	5.7	2.5% of payrolls	0.01	5.7
N.Dak.	25% of total bens. paid in last 12 months.	0.1	5.4	25% of total bens. paid in last 12 months.	0.1	5.4
Ohio 8/ 11/	30% above min. safe level	0	5.2	60% below min. safe level	0.1	5.4
Okla. 2/ 11/	More than 3.5 x bens.	0.1	5.5	2 x average amount of bens. paid in last 5 yrs.	0.5	6.2
Oreg.	200% of fund adequacy percentage ratio	0.9	5.4	Fund adequacy percentage ratio less than 100%	2.2	5.4
Pa. 11/	4/	0.3	Not specified	4/	Not specified	9.2
R.I. 2/ 11/	11.5% of payrolls	0.8	5.4	5.0% of payrolls	2.3	8.4
S.C.	3.5% of payrolls	0.19	5.4	2.5% of payrolls	1.3	5.4
S.Dak.	More than $11 million	0.05	8.25	$5.5 million	1.5	10.5
Tenn. 11/	$300 million	0.15	10.0	$100 million	0.50	10.0
Tex. 11/	2% of taxable wages for 4 CQ's ending preceding June 30	0.0	6.0	1% of taxable wages for 4 CQ's ending preceding June 30 or $400 million	0.0	6.0
Utah	2.0 x min. adequate reserve	Not specified	8.0	1.5 x min. adequate reserve	Not specified	8.0
Vt. 8/	2.5 x highest ben. cost rate	0.4	5.4	1.0 x highest ben. cost rate	1.3	8.4
Va. 2/	5.0% of payrolls	0.0	6.2	3.0% of payrolls	0.53 11/	6.2 11/
V.I.	. . . . .	0.1	9.0	. . . . .	0.1	9.0
Wash.	3.40% of payrolls	0.48	5.4	1.40% of payrolls	2.48	5.4

(Table continued on next page)

Table 206.--Fund Requirements for Most and Least Favorable Schedules and Range of Rates for Those Schedules 1/ (Continued)

State	Most favorable schedule			Least favorable schedule 2/		
	Fund must equal at least	Range of rates		When fund balance is less than	Range of rates	
		Min.	Max.		Min.	Max.13/
(1)	(2)	(3)	(4)	(5)	(6)	(7)
W.Va.6/11/	150% of average benefit payments for 3 preceding CY's	0	7.5	100% of average benefit payments for 3 preceding CY's	1.5	7.5
Wis.4/	. . . . .	0.27	8.90	. . . . .	0.27	8.9011/
Wyo.	More than 5% of payrolls	0	Not specified	4.0% of payrolls	1.25	8.513/

1/Excludes P.R. which has no experience-rating provision. See also Table 207.

2/Payroll used is that for last yr. except as indicated: last 3 yrs., Conn.; average 3 yrs., Va.; 3-yr. average, R.I., or greater, N.Y.. Benefits used are last 5 yrs., Okla..

3/One rate schedule but many schedules of different requirements for specified rates applicable with different State experience factors, Ala.. In Miss., variations in rates based on general experience rate and excess payments adjustment rate.

4/No requirements for fund balance in law; rates set by agency in accordance with authorization in law.

5/Fund requirement is 1 or 2 of 3 adjustment factors used to determine rates. Such a factor is either added or deducted from an ER's benefit ratio, Fla.. In Pa., reduced rates are suspended for ERs whose reserve account balance is zero or less. Rate shown includes the max. contribution (a uniform rate added to ER's own rate) paid by all ERs: in Del., 0.1 to 1.5% according to a formula based on highest annual cost in last 15 yrs.; in N.Y., and Pa., 0.1 to 1.0%.

6/Suspension of reduced rates is effective until next Jan. 1 on which fund equals $65 million, W.Va.. Higher rate schedule used whenever benefits charged exceeds contributions paid in any year, N.H..

8/Min. normal amount in Ala. is 1-1/2 x the product of the payrolls of any 1 of the most recent 3 yrs. and the highest benefits payroll ratio for any 1 of the 10 most recent FYs. ERs rate is 82% of the average benefit cost rate multiplied by the ER's experience factor, Alaska. Adequate reserve fund defined as 1.5 x highest benefit cost rate during past 10 yrs. multiplied by total taxable remuneration paid by ERs in same yr., Hawaii. Minimum safe level defined as 1-1/4 x the highest benefit cost rate times total payroll for the CY prior to computation date, Ohio. Highest benefit cost rate determined by dividing: the highest amount of benefits paid during any consec. 12-month period in the past 10 yrs. by total wages during the 4 CQs ending within that period, Vt.; total benefit payments during past 10 yrs. by wages paid during past yr., Iowa.

9/For every $12 million by which the fund falls below $750 million, State experience factor increased 1%; for every $12 million by which the fund exceeds $750 million, State experience factor reduced by 1%, Ill..

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(Footnotes for Table 206 continued)

11/Rates shown do not include: an emergency surcharge of 25% of the basic rate will be added to each ER's rate when the trust fund balance is below 75% of the min. normal amount, but no ER's rate may increase more than 0.7% due to the surcharge, Ala.; additional tax of 0.1% payable by every ER to defray the cost of extended benefits, the stabilization tax ranging from 0.1% to 0.5% payable by every ER when the fund falls below a specified percentage of payrolls, nor the advance interest tax ranging from 0 to 0.2% depending on the assets of the fund, Ark.; a solvency tax of -0.4 to 1.1, Alaska; an emergency solvency surcharge rate will be added to each ER's rate if the fund is less than 0.8% of payrolls, Calif.; a supplemental assessment of 1.1% to 1.5% effective when the trust fund balance is $90 million or more, Del.; solvency tax of 0.9% added to each ER's rate when amount in fund is less than 2% of payrolls, D.C.; emergency tax of 0.4% to 0.9% effective whenever the amount in the fund is less than $100 million, Ill.; a solvency rate equaling 7% of the ER's tax rate when the trust fund balance is less than $300 million on any June 30 or December 31, Tenn.; a surcharge not to exceed 33-1/3% per taxable year for any quarter up to June 30, 1988, that the fund balance is less than $25 million, Okla.; additional surcharge of 1.0% (excluding 1988) to ER's who have a negative balance on 2 consecutive rate computation dates and provides for adding cumulative 1.0% surcharge for each successive year of negative balance, but the surcharge may not exceed 9.0% of taxable wages, Iowa; a solvency tax which may not exceed 30% of an employer's contributions for the quarter will be added to each employer's rate when the fund balance is expected to fall below $100 million, La.; a solvency assessment on contributing employers when the fund balance falls below $75 million or $150 million, Minn.; an unspecified solvency adjustment, Mass.; solvency rate of .5% added to every ER's rate whenever the agency determines that an emergency exists, N.H.; a mutualized contribution rate adjustment for the most favorable schedule of 0.1 or 0.2 percent and for the least favorable schedule an adjustment of 0.2 percent, plus a computed rate on the ERs experience, Ohio; solvency tax of 0.1% added to experience rated ERs, Tex.; a flat tax of 0.5%, Pa.; emergency adjustment factor of 100% when the trust fund balance falls below $75 million in any month and the Governor determines the need for the application of the factor, and adds an unspecified pool cost charge and a fund building rate of 0.2% if the fund balance factor is 50% or less for a year, Va.; a 1% surtax to each ER's rate until the trust fund assets equal or exceed the average benefit payments from the fund for the 3 preceding years, and (until January 1989) a 1% surtax on debit balance ERs and nonexperience rated foreign corporations engaged in construction, W.Va.; a solvency contribution for the fund's balancing account which is based on the adequacy level of such account; however, if the reserve percentage is zero or more, the solvency contribution is diverted from the regular contribution, Wis.; additional rate of 0.5% added to each ER's rate when fund balance is less than $150 million, and another 0.3% when the fund balance is less than $100 million, Mo.; a surcharge computed as a percentage of the ER's tax rate, Colo.; an additional tax of up to 1.0 percent for noncharged benefits and a solvency tax not to exceed 2% for negative balance employers, Mich.; a surtax of 0.3% to each ER's rate whenever the trust fund balance is less than zero, R.I.. For CY 88 adds a surcharge if the principal and interest fund is insufficient to pay interest on Federal advances, Ky..

12/Subject to adjustment in any given yr. when yield estimated on computation date exceeds or is less than the estimated yield from the rates without adjustment.

13/Max. possible rate same as that shown except in Md., where delinquent ER's pay an additional 2%; Ariz., Fla. and Wyo. where additional tax of 1.25% may be required. Each contributing ERs rate increased by 10% when trust fund balance is negative, N.J..

Table 207.--Fund Requirements for any Reduction from Standard Rate, 17 States [1]

State	Millions of dollars (4 States)	Multiple of benefits paid (1 State)		Percent of payrolls (11 States)	
		Multiple	Years	Percent	Years
(1)	(2)	(3)	(4)	(5)	(6)
Ariz.	. . . . .	. . . . .	. . . . .	3	Last 1
D.C.	. . . . .	. . . . .	. . . . .	2.4	Last 1
Hawaii	15	. . . . .	. . . . .	. . . . .	. . . .
Idaho	. . . . .	. . . . .	. . . . .	1.75	Last 1
Ind.	75	. . . . .	. . . . .	. . . . .	. . . .
Iowa [3]	. . . . .	2	Last 1	. . . . .	. . . .
Ky.	. . . . .	. . . . .	. . . . .	[2]	[2]
Md.	. . . . .	. . . . .	. . . . .	2	Last 1
Miss.	. . . . .	. . . . .	. . . . .	4	Last 1
Mont.	. . . . .	. . . . .	. . . . .	1	Last 1
N.H. [1]	. . . . .	. . . . .	. . . . .	. . . . .	. . . .
N.Mex.	. . . . .	. . . . .	. . . . .	1	Last 1
N.Dak.	. . . . .	. . . . .	. . . . .	3	Last 1
S.Dak.	5	. . . . .	. . . . .	. . . . .	. . . .
Utah	. . . . .	. . . . .	. . . . .	0.5	Last 1
Wash.	. . . . .	. . . . .	. . . . .	4.0	Last 1
W.Va. [1]	60	. . . . .	. . . . .	. . . . .	. . . .

[1] Suspension of reduced rates is effective until next Jan. 1 on which fund equals $65 million, W.Va.; at any time, if benefits paid exceed contributions credited, N.H..

[2] Rate schedule applicable depends upon "fund solvency factor." An 0.4 factor required for any rate reduction, Ky..

[3] No ER's rate may be less than 1.8% unless the fund balance is at least twice the amount of benefits paid in last year, nor may any ER's rate be less than 2.7% unless total assets of fund in any CQ exceeds total benefits paid from fund within the first 4 of the last 5 completed CQ's preceding that quarter.

Table 208.--Bond or Deposit Required of Employers Electing Reimbursement, 31 States

State	Provisions is		Amount		
	Mandatory (11 States)	Optional (20 States)	Percent of total payrolls (7 States)	Percent of taxable payrolls[1] (18 States)	Other (6 States)
(1)	(2)	(3)	(4)	(5)	(6)
Ala.	X			[2]	
Alaska		X			[3]
Ariz.					
Ark.					
Calif.					
Colo.		X [7]		[2]	
Conn.		X [4]		[2]	
Del.					
D.C.		X		0.25	
Fla.					
Ga.		X [5]	2.7		
Hawaii	X		0.2		
Idaho		X			[2]
Ill.					
Ind.					
Iowa	X			2.7	
Kans.		X		3.6	
Ky.		X [7]	2.0		
La.					
Maine		X		[6]	
Md.	X			2.7	
Mass.		X		[2]	
Mich.					
Minn.					
Miss.		X		[10]	
Mo.					
Mont.					
Nebr.					
Nev.					
N.H.					
N.J.		X		[2]	
N.Mex.[11]	X			[2]	
N.Y.					
N.C.					
N.Dak.					
Ohio	X			3.0 [2]	
Okla.					
Oreg.	X		[8]		
Pa.	X			1.0	
P.R.	X				
R.I.		X			[2]
S.C.		X	[4]		[4]

(Table continued on next page)

Table 208.--Bond or Deposit Required of Employers Electing Reimbursement, 31 States (Continued)

State	Provisions is		Amount		
	Mandatory (11 States)	Optional (21 States)	Percent of total payrolls (7 States)	Percent of taxable payro'ls[1] (18 States)	Other (6 States)
(1)	(2)	(3)	(4)	(5)	(6)
S.Dak.	. . . . .	X	. . . . .	2/	. . . . .
Tenn.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Tex.	. . . . .	X	6/	. . . . .	. . . . .
Utah	. . . . .	X	2/	. . . . .	. . . . .
Vt.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Va. 9/	. . . . .	X	. . . . .	2/	. . . . .
V.I.	X	. . . . .	. . . . .	1.35	. . . . .
Wash.	. . . . .	X	. . . . .	. . . . .	2/
W.Va.	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Wis.	X	. . . . .	. . . . .	4.0 2/	. . . . .
Wyo.	. . . . .	X	. . . . .	. . . . .	3/

1/First $7,000 of each worker's annual wages.

2/Amount determined by director or administrator: not to exceed the max. percentage charged to contributing ERs, Ala., 1.0%, Utah; on basis of potential benefit cost, Idaho; greater of 3 x amount of regular and 1/2 extended benefits paid, based on service within past yr. or sum of such payments during past 3 yrs. but not to exceed 3.6% nor less than 0.1%, Colo.; not more than $500,000, Ohio. Sufficient to cover benefit costs but not more than the amount organization would pay if it were liable for contributions, Wash.; 2.7% of contributions times the organization's taxable wages, N.Mex.; determined by commission based on taxable wages for preceding yr., Va.; for the preceding yr. or anticipated payroll for current yr., whichever is greater, Wis.; max. effective tax rate x organizations' taxable payroll, S.Dak.; not to exceed the maximum contribution rate in effect, Conn., Mass., N.J.; no greater than double the amount of estimated tax due each month, but not less than $100, R.I..

3/Specifies that amount shall be determined by regulation, Alaska; no amount specified in law, Wyo..

4/If administrator deems necessary because of financial conditions, Conn.; commission may adopt regulations requiring bond from nonprofit organizations which do not possess real property and improvements valued in excess of $2 million; regulation requires bond or deposit of minimum of $2,000 for ERs with annual wages of $50,000 or less, for annual wages exceeding $50,000, an additional $1,000 bond required for each $50,000 or portion thereof, S.C..

5/Exempts nonprofit institutions of higher education from any requirement to make a deposit.

6/By regulation; not less than 2.0% nor more than 5.0% of taxable wages, Maine; higher of 5.0% of total anticipated wages for next 12 months or amount determined by the commission, Tex..

(Footnotes continued on next page)

(Footnotes for Table 208 continued)

7/Regulation states that bond or deposit shall be required only if, as computed, it is $100 or more, Colo.; bond or deposit required as condition of election unless commissioner determines that the employing unit or a guarantor possesses equity in real or personal property equal to at least double the amount of bond or deposit required, Ky..

8/Amount for payrolls under $100,000 is 2.0%; $100,000-$499,999, 1.5%; $500,000-$999,999, 1.0%; $1 million and over, 0.5%, but not more than the max. contribution that would be payable.

9/Provision inoperative.

10/2.7% for nonprofit organizations and 2.0% for governmental entities, Miss..

11/Applies only to nonprofit organizations, N.Mex..

Table 209.--Financing Provisions for Governmental Entities

State	Single Choice for State [1]	Options--		
		Reimbursement	Regular contributions	Special schedule [9]
(1)	(2)	(3)	(4)	(5)
Ala.	X	X	X	
Alaska		X	X	
Ariz.		X	X	
Ark.		X	X	
Calif.		X [4]	X	X [4]
Colo.	X	X	X	
Conn.	X	X	X	
Del.		X		X
D.C.		X	X	
Fla.		X	X [6]	
Ga.		X	X	
Hawaii		X	X	
Idaho		X	X	
Ill.	X [1]	X	X	X
Ind.		X	X [7]	
Iowa		X	X	X
Kans.		X	X	X
Ky.		X	X	
La.		X	X	
Maine		X	X	
Md.		X	X	
Mass.		X		X
Mich.		X	X	
Minn.		X	X	
Miss.	X	X	X	X
Mo.		X	X	
Mont.		X		X
Nebr.		X	X	
Nev.		X	X	
N.H.	X	X	X	
N.J.		X	X	
N.Mex.	X	X [5]	X	X [5]
N.Y.	X	X	X	
N.C.		X	X	
N.Dak.		X	X	X
Ohio		X	X	
Okla.	X [2]	X		X
Oreg.	X	X	X	X
Pa.	X	X	X	
P.R.		X	X	
R.I.		X	X	
S.C.		X	X	
S.Dak.	X	X	X	
Tenn.		X	X	X
Tex.		X		X
Utah	X	X	X	
Vt.	X [3]	X	X	

(Table continued on next page)

Table 209.--Financing Provisions for Governmental Entities (Continued)

State	Single Choice for State 1/	Options--		
		Reimbursement	Regular contributions	Special schedule 9/
(1)	(2)	(3)	(4)	(5)
Va.	. . . . .	X	X	. . . . .
V.I.	. . . . .	X	X	. . . . .
Wash.	X	X	X 8/	X 8/
W.Va.	. . . . .	X	X	. . . . .
Wis.	X	X	X 7/	. . . . .
Wyo.	. . . . .	X	X	. . . . .

1/All States except Okla. require reimbursement, see footnote 3. Ill. finances benefits paid to State employees by appropriation to the State Department of Labor which then reimburses the unemployment compensation fund for benefits paid.

2/Requires State and any political subdivision electing contributions to pay 1.0% of wages into the State unemployment compensation fund.

3/State institutions of higher education have option of contributions or reimbursement; all other State agencies must reimburse.

4/Local Public Entity Employee's Fund and School Employee's Fund have been established in the State Treasury to which political subdivisions and schools, respectively, contribute a percentage of their payrolls and from which the State unemployment compensation fund is reimbursed for benefits paid.

5/Political subdivisions may also participate in a Local Public Body Unemployment Compensation Reserve Fund managed by the Risk Management Division. See text for details.

6/Governmental entities that elect contributions pay on gross rather than taxable wages and at an initial rate of 0.25% until a rate can be computed the year following election of contributions based on the ER's experience.

7/Governmental entities that elect contributions pay at 0.1% rate until they have 36 months of experience, Ind., at 2.7% rate for the first 2 years of election, Wis..

8/Counties, cities and towns may elect either regular reimbursement or the Local Government Tax. Other political subdivisions may elect either regular reimbursement or regular contributions. See text for details.

9/See text for details.

300. BENEFITS

The Social Security Act incorporated no standards for benefits in the Federal-State system of unemployment insurance. Hence there is no central pattern of benefit provisions comparable to that in coverage and financing. The States have developed quite diverse and complex formulas for determining workers' benefit rights.

The interrelationship between the various factors on which these benefit rights depend--the amount of employment and wages required to qualify an individual for benefits, the period for earning such wages, the method of computing the weekly benefit amount, and the method of determining the length of time for which benefits may be paid--is so close that it is important to take into consideration all the interdependent factors in comparing the benefit formulas of different State laws. While each factor is analyzed separately, in the main, the discussion at various points indicates the relationship to other factors.

Under all State unemployment insurance laws, a worker's benefit rights depend on his experience in covered employment in a past period of time called the base period. The period during which the weekly rate and the duration of benefits determined for a given worker apply to him is called his benefit year.

The qualifying wage or employment provisions attempt to measure the worker's attachment to the labor force. To qualify for benefits as an insured worker, a claimant must have earned a specified amount of wages or must have worked a certain number of weeks or calendar quarters in covered employment within the base period, or must have met some combination of wage and employment requirements. He must also be free from disqualification for any of the causes discussed in detail in chapter 400. All but a few States require a claimant to serve a waiting period before his unemployment may be compensable.

All States determine an amount payable for a week of total unemployment as defined in the State law. Usually a week of total unemployment is a week in which the claimant performs no work and with respect to which no remuneration is payable. In a few States, specified small amounts of odd-job earnings are disregarded in determining a week of unemployment. In most States a worker is partially unemployed in a week of less than full time work when he earns less than his weekly benefit amount. He receives as benefits for such a week the difference between his weekly benefit amount and his earnings, usually with a small allowance as a financial inducement to take short-time work.

Since 1937, when the Bureau of Internal Revenue began collecting quarterly reports of individual workers' wages for use of the Bureau of Old-Age and Survivors Insurance, most States have been collecting similar reports of quarterly wages and have based benefits on these reports. Some States do not maintain wage records of all covered workers, but obtain the data needed for determining benefit rights of claimants after a claim is filed (Table 300, footnote 4).

Most States use the earnings in the highest quarter of the base period as a basis for computing weekly benefits. Other States use a percentage of annual wages, and a few use an average weekly wage as a basis for computing the benefit rate.

In some States the weekly benefit is augmented by a dependent's allowance for workers with specified types and number of dependents; in a few of these, only for workers in the higher wage brackets.

The maximum amount of benefits which a claimant may receive in a benefit year is expressed in terms of dollar amounts, usually equal to a specified number of weeks of benefits for total unemployment. A partially unemployed worker may thus draw benefits for a greater number of weeks. In several States all eligible claimants have the same potential weeks of benefits; in the other States, potential duration of benefits varies with the claimant's wages or employment in the base period, up to a specified number of weeks of benefits for total unemployment.

More detail on all these subjects is given below.

305 Base Period and Benefit Year

A worker's benefit rights are determined on the basis of his employment in covered work over a prior period, called the base period. Benefit rights remain fixed for a period called the benefit year. The waiting period also is measured in or with respect to a benefit year.

305.01 TYPES OF BENEFIT YEARS.--The benefit year is usually a 1-year period or a 52-week period during which a worker may receive his annual benefits. Nearly all States have what is called an individual benefit year in that its beginning for any individual claimant is related to the date of his unemployment and the filing of a claim (Table 300). In New Hampshire, in Florida for certain workers in the cigar industry, and in Puerto Rico for agricultural workers, a potential benefit year begins for all claimants on a date specified in the law. If a claimant first files his claim toward the end of such a uniform benefit year, his benefit rights for that benefit year will expire shortly. Ordinarily, however, he will be eligible for benefits in a new benefit year at the same or a different rate.

In most of the States with individual benefit years, the benefit year begins with the week in which a worker first files a claim which is valid in terms of a wage qualification (Tables 300 and 301). In Arkansas the benefit year begins with the quarter in which a claim is first filed; the effective benefit year may be 40 to 52 weeks. In Massachusetts the benefit year begins on the Sunday preceding the filing of a valid claim, and in New York, on the first Monday after the filing of a valid original claim. Under some State laws a benefit year does not begin until the claimant meets not only the wage or employment requirements but also meets one or more additional requirements (Table 300, footnote 3). New York provides that a benefit year can begin only if the claimant is not subject to any disqualification or suspension of benefits; hence, when a claimant is disqualified, no benefit year may begin until the disqualification runs out, at which time his early weeks of employment will have passed out of the base period.

305.02 TYPES OF BASE PERIODS.--Base periods also are individual or uniform. In the former type the date establishing the beginning and ending of the base period depends on when the worker first applies for benefits or first begins drawing benefits, that is, on the beginning of the benefit year; in the latter type the beginning and ending dates of the base period are fixed in the law and are the same for all workers. A four quarter or 52-week period is used in all States. Several States, however, lengthen the base period under specified conditions (Table 300, footnote 9; Table 301, footnote 8). New Hampshire, the only State with a uniform benefit year for all claimants, has a uniform calendar year base period.

In all States the base period is used for determination of qualifying wages or employment, weekly benefit amount, and duration of benefits, although in most States the weekly benefit amount is computed from wages in only one quarter of the period (Table 304). In some States, certain distribution is required of base-period wages within the quarters of the base period (Table 301).

305.03 LAG BETWEEN BASE PERIOD AND BENEFIT YEAR.--In Massachusetts, Michigan, Ohio, and Wisconsin there is no lag between the end of the base period and the beginning of the benefit year; in New York there is a lag of only 1 week and in Rhode Island of only 2 weeks. In States (Table 300) in which the base period is the last four quarters prior to the benefit year and the benefit year begins with the week of a valid claim, the lag is less than one quarter. In States in which the base period is the first four of the last five completed calendar quarters prior to the benefit year, there is a lag period of 3 to 6 months. In California the lag is 4 to 7 months.

In New Hampshire, with uniform base period and uniform benefit year, the lag between the end of the base period and the beginning of the benefit year is 3 months. However, the lag between the end of the base period and an individual's unemployment may be almost 12 months longer; i.e., almost 15 months.

Claimants who exhaust their benefits before the end of a benefit year must wait until a new benefit year before they can again draw benefits based on a new base period. In no State can a claimant qualify for benefits in a second benefit year unless such claimant has had some employment since the beginning of the preceding benefit year: in Massachusetts, Michigan, Ohio, and Wisconsin, because there is no lag between the base period and a benefit determination; in Hawaii, New York, and Rhode Island, because the lag is too short to permit any individual to meet the employment qualification. See sec. 310.04 and Table 302 for special qualifying requirements for a second benefit year.

310 Qualifying Wages or Employment

All States require that an individual must have earned a specified amount of wages or must have worked for a certain period of time within the base period, or both, to qualify for benefits. The purpose of such qualifying requirements is to admit to participation in the benefits of the system only such workers as are genuinely attached to the labor force of covered workers.

310.01 MULTIPLE OF THE WEEKLY BENEFIT OR HIGH-QUARTER WAGES.--Some States express their earnings requirements in terms of a specified multiple of the weekly benefit amount; Pennsylvania, and Puerto Rico have weighted schedules that require varying multiples for varying weekly benefits. A few of these States have a stepdown provision under which a claimant who has not earned the required multiple of the weekly benefit can qualify for a lower benefit amount if the base-period wages are equal to the qualifying amount for the lower benefit bracket (Table 301, footnote 2).

All States with a wage qualification in terms of a multiple of a weekly benefit have a weekly benefit formula based on high-quarter wages (sec. 320.01). The multiple used in the qualifying wage formula (26+ to 40 but typically 30)

is greater than the denominator in the fraction used in computing the weekly benefit. In these States the formula automatically requires wages in at least 2 quarters of the base period except for those claimants who qualify for the maximum weekly benefit.

Most of the States with a qualifying requirement of a multiple of the weekly benefit add a specific requirement of wages in at least two quarters which applies especially to workers with large high-quarter wages and maximum weekly benefits.

Alabama, Arizona, District of Columbia, Georgia, Indiana, Kentucky, Louisiana, Maryland, Missouri, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, Utah and the Virgin Islands require 1-1/2 times high-quarter wages; Idaho, Iowa, Minnesota, and New Mexico require 1-1/4 high-quarter wages; South Dakota requires earnings outside the high quarter of at least thirty times the weekly benefit amount. Of these States, Maryland has a stepdown provision. Maryland specifies in a benefit schedule the amount of base-period wages required for each weekly benefit amount, rather than compute the amount by multiplying the individual's high-quarter wages by 1-1/2 (Table 301, footnote 5). Thus, at the maximum weekly benefit amount, an individual might meet the qualifying requirement with earnings in one quarter.

Many of the States with a high-quarter formula have an additional requirement of a specified minimum amount of earnings in the high quarter (Table 301). Such provisions tend to eliminate from benefits part-time and low-paid workers whose average weekly earnings might be less than the State's minimum benefit. Arizona, Oklahoma, and the Virgin Islands have alternative base-period qualifying requirements (Table 301, footnote 9).

310.02 FLAT QUALIFYING AMOUNT.--States with a flat minimum qualifying amount include most States with an annual-wage formula for determining the weekly benefit (sec. 320.01) and some States with a high-quarter-wage benefit formula. In addition, Puerto Rico has a flat qualifying requirement for agricultural workers (Table 301, footnote 10). In all these States, any worker earning the specified amount or more within the base period is entitled to some benefits, but the flat qualifying amount qualifies for only limited amounts of benefits. The qualifying amounts for higher weekly benefits are included in the quarterly or annual amounts which entitle a claimant to higher weekly benefits and more weeks of benefits, according to the details of the formulas (Tables 304 and 309).

Of the States with a flat qualifying amount and a high-quarter formula, nearly all require wages in more than one quarter to qualify for any benefits: Illinois, Indiana, Iowa, Kentucky, Maine, Nebraska and New Hampshire require a specified amount of earnings outside the high quarter.

310.03 WEEKS OF EMPLOYMENT.--Nearly one-fourth of the States require that an individual must have worked a specified number of weeks with at least a specified weekly wage. Florida, Michigan, Montana, New Jersey, New York, Ohio, Rhode Island, and Wisconsin count only weeks in which the claimant earned the required amount of wages (Table 301, footnote 7). Hawaii requires 14 weeks of employment in addition to wages of 30 times the individual's weekly benefit amount. Oregon requires 18 weeks of employment and a specified amount of wages in the base period.

Michigan, New Jersey and Rhode Island also have alternative qualifying requirements (Table 301, footnote 9).

310.04 REQUALIFYING REQUIREMENTS.--All States that have a lag between the base period and benefit year place limitations on the use of lag-period wages for the purpose of qualifying for benefits in the second benefit year (sec. 305.03). The purpose of these special provisions is to prevent benefit entitlement in 2 successive benefit years following a single separation from work; the provisions generally require wages more recent than the lag period, either in addition to or as part of the usual base-period wages requisite to establishing a benefit year (Table 302). In many States the amount an individual must earn in order to qualify for benefits in a second benefit year is expressed as an amount (from 3 to 10) times the weekly benefit amount. A few States require an individual to earn wages subsequent to the beginning of the individual's preceding benefit year sufficient to meet the minimum qualifying requirement. In addition, some States specify that the wages needed to requalify must be earned in insured work.

315 Waiting Period

The waiting period is a noncompensable period of unemployment in which the worker must have been otherwise eligible for benefits. All except eleven[1] States require a waiting period of 1 week of total unemployment before benefits are payable. The waiting period may be waived in Georgia if the unemployment is not the fault of the claimant and may become compensable in several other States under specific conditions (Table 303, footnote 3).

In most States the waiting-period requirement in terms of weeks of partial unemployment is the same as in weeks of total unemployment. In Alabama, 1 week of partial unemployment is required before benefits are payable. In New York the four "effective days" which constitute the waiting period may be accumulated in 1, 2, 3, or 4 weeks. In these States a waiting period served in weeks of total or of partial

1/ Ala., Conn., Del., Iowa, Ky., Md., Mich., Nev., N.H., Va., and Wis.

unemployment qualifies alike for benefits for total or partial unemployment. In Montana no waiting period is required for benefits for partial unemployment, and the waiting period for benefits for total unemployment is in terms of weeks of total unemployment.

In all States the waiting period is served in or with respect to a benefit year. Three States provide that there shall be no interruption of benefits for consecutive weeks of unemployment continuing into a new benefit year (Table 303); in these States the waiting-period requirement has to be met if, later in the new benefit year, the claimant is again unemployed. Some States provide that the waiting period may be served in the last week of the old benefit year. In all these States a worker who has exhausted benefit rights for the benefit year and who remained unemployed or again became unemployed before the beginning of the new benefit year could serve a waiting period in the last week of the old benefit year.

320 Weekly Benefit Amount

All States except New York measure unemployment in terms of weeks. The majority of States determine eligibility for unemployment benefits on the basis of the calendar week (Sunday through the following Saturday); only Texas pays benefits on the basis of a flexible week, which is a period of 7 consecutive days beginning with the first day for which the claimant becomes eligible for the payment of unemployment benefits. In many States the claims week is adjusted to coincide with the employer's payroll week when a worker files a benefit claim for partial unemployment. The claims week in New York runs from Monday through the following Sunday. All of the States have agreed, via the Interstate Arrangement for Combining Employment and Wages, to use the type of week used by the agent State in combined-wage claims.

A week of total unemployment is commonly defined as one in which the individual performs no services and with respect to which no remuneration is payable. In Puerto Rico a worker is deemed totally unemployed if earnings from self-employment are less than 1-1/2 the weekly benefit amount or if no service is performed for a working period of 32 hours or more in a week. In a few States a worker is considered totally unemployed in a week even though certain small amounts of wages are earned. In Delaware, the greater of $10 or 30 percent of the benefit amount; in New Hampshire, one-fifth of the weekly benefit amount from any source is disregarded; in New Jersey, the greater of $5 or one-fifth of the benefit amount; in Texas the greater of $5 or one-fourth of the benefit amount; and in Montana, half the wages over one-fourth of the weekly benefit amount.

In New York, unemployment is measured in days and benefits are paid for each accumulation of effective days within a week. An effective day is defined as the fourth and each subsequent day of total unemployment in a week beginning on Monday in which the claimant earns not more than $180. A full week of total unemployment results in the accumulation of 4 effective days; a week with 4 to 6 days of unemployment, in an accumulation of 1 to 3 days. In this discussion, amounts for New York are converted to weeks.

BENEFITS

320.01 FORMULAS FOR COMPUTING WEEKLY BENEFITS.--Under all State laws a weekly benefit amount, that is, the amount payable for a week of total unemployment, varies with the worker's past wages within certain minimum and maximum limits. The period of past wages used and the formulas for computing benefits from these past wages vary greatly among the States. In most of the States the formula is designed to compensate for a fraction of the full-time weekly wage; i.e., for a fraction of wage loss, within the limits of minimum and maximum benefit amounts. Several States provide additional allowances for certain types of dependents (Tables 307 and 308).

Most of the States use a formula which bases benefits on wages in that quarter of the base period in which wages were highest (Table 304). This calendar quarter has been selected as the period which most nearly reflects full-time work. A worker's weekly benefit rate, intended to represent a certain proportion of average weekly wages in the higher quarter, is computed directly from these wages. In 9 States the fraction of high-quarter wages is 1/26. Between the minimum and maximum benefit amounts, this fraction gives workers with 13 full weeks of employment in the high quarter 50 percent of their full-time wages. Since it has been found that, for many workers, even the quarter of highest earnings includes some unemployment, 13 States have compensated for this by using a fraction greater than 1/26, as follows:

Fraction	Number of States	Fraction	Number of States
1/25	8	1/23	1
1/24	2	1/22	2

An additional two States compute the weekly benefit as a percentage of the average weekly wage in the high quarter, i.e., 1/13 of high-quarter wages. In Colorado the weekly benefit is 55 percent of the average weekly wage, and in South Carolina 50 percent (1/26).

Other States use a weighted schedule, which gives a greater proportion of the high-quarter wages to lower-paid workers than to those earning more. In these States the minimum fraction varies from 1/11 to 1/25; the maximum, from 1/23 to 1/33. In Pennsylvania, an individual's weekly benefit amount is based on a weighted schedule, or 50 percent of his full-time wage, if that amount is greater. Iowa's benefit schedule is a variation of this concept in which the fraction of high-quarter wages used ranges from 1/19 to 1/23, depending on the number of dependents the claimant has.

Several States compute the weekly benefit as a percentage of annual wages. All but two of these use a weighted schedule which gives as weekly benefits a larger proportion of annual wages to the lower-paid workers (Table 304). In addition, Puerto Rico has a separate benefit schedule for agricultural workers with payments ranging from $10, for annual earnings of at least $400, to $38, for annual earnings of $3,200.01 and over.

Some States compute the weekly benefit as a percentage of the claimant's average weekly wages in the base period or in a part of the base period. Benefits below the maximum are computed at 49 percent of the average weekly wage in Montana, 50 percent in Florida, Ohio, and Wisconsin; 58 percent in Vermont; and at 60 percent in New Jersey and Rhode Island; a weighted schedule is used in Michigan and New York.

Florida computes the average weekly wage by dividing the individual's total base-period wages by the number of weeks in which the individual was paid wages for insured work. Rhode Island computes the average weekly wage by dividing total base-period wages by the number of weeks in which the claimant earned wages of at least $73, and Minnesota, by the number of weeks in which the claimant earned wages equal to 30 percent of the State average weekly wage. New Jersey computes the average weekly wage by dividing the individual's total base year wages by the number of weeks worked in the base year up to 52. New York computes the average weekly wage by dividing total base-period wages paid by all employers by the number of weeks of employment furnished by all employers. Weeks in which the claimant earned less than $40 are excluded from the computation unless fewer than 20 weeks of employment remain after such exclusion. Ohio computes the average weekly wage by dividing an individual's total earnings in all weeks in which the claimant earned at least $20 by the number of such weeks. Vermont computes the weekly benefit amount on the wages in the 2 highest quarters divided by 45.

Michigan and Wisconsin compute weekly benefits on average weekly wages from each employer separately in inverse chronological order. In Wisconsin the average weekly wage is determined by dividing the individual's weeks of employment with each employer within the base period into the gross wages paid for such employment. A substitute procedure is permitted where the resulting quotient from this computation is inequitable.

In Michigan an individual's average weekly wage is the average of wages in the calendar weeks of the base period in which wages in excess of $101 were earned but not less than 20 weeks or more than the most recent 35 (34 if all with one employer) weeks. The Michigan and Ohio formulas do not provide a basic benefit for a specified amount of earnings. The schedules are arranged to show the amount which a claimant in each dependency class must earn to qualify for each weekly benefit rate. In both States, the maximum weekly benefit and the earnings required for the maximum benefit vary according to the class.

All States round weekly benefits for total unemployment (Table 304). In all States benefits are paid in even dollar amounts.

320.02 FLEXIBLE MAXIMUM WEEKLY BENEFITS.--More than half the States provide for annual or semiannual computation of the maximum weekly benefit amounts based on wages within the State. The maximum in these States is usually defined as more than 50 percent of the average weekly wage in covered employment within the State during a recent 1-year period and the computed amount usually becomes effective in July. Under these provisions, the maximum weekly benefit amount automatically increases to reflect the upward movement of wages. In Ohio the maximum is adjusted annually by any percentage increase in the State average weekly wage during the preceding fiscal year. Iowa computes five different flexible maximums, the amount payable depending on the number of dependents the claimant has. In Minnesota the State average weekly wage used to compute the maximum weekly benefit amount will depend on the balance in the fund. The significant variations in the flexible maximum benefit provisions are shown in Table 305.

320.03 FLEXIBLE MINIMUM WEEKLY BENEFITS.--In most States the minimum weekly benefit is an amount specified in the law, ranging from $5 to $60. However, eight States--Arkansas, Kansas, Montana, New Mexico, Oregon, Washington, Wisconsin and Wyoming--have enacted flexible minimum benefits. New Mexico computes the minimum benefit annually at 10 percent; Arkansas at 12 percent; Montana, Oregon and Washington at 15 percent of the State average weekly wage. Kansas computes the minimum benefit annually and Wisconsin semiannually at 25 percent and 19 percent respectively of the maximum weekly benefit amount. Wyoming computes the minimum benefit annually at 4 percent of the minimum qualifying wages in the high quarter.

325 Benefits for Partial Unemployment

All States provide for the payment of benefits when underemployment reaches a certain stage. In the majority of States a worker is partially unemployed in a week of less than full-time work if less than (in Puerto Rico, not in excess of) the weekly benefit amount is earned from the regular employer or from odd-job earnings. In some States a claimant is partially unemployed in a week of less than full-time work when less than the weekly benefit plus an allowance is earned, either from odd-job earnings or from any source as indicated in Table 306. Only in two States is there any limit on a week of less than full-time work: in North Carolina, a week of less than 3 customarily scheduled full-time days; in Puerto Rico, any week in which the individual's wages and remuneration from self-employment amount to less than twice the weekly benefit amount.

The amount of benefits for a week of partial unemployment is usually the weekly benefit amount less the wages earned in the week with a specified allowance (Table 306). In Indiana only earnings from other than base-period employers are included in the specified allowance. In Puerto Rico the allowance is the full weekly benefit amount. In Idaho, Illinois, Nebraska, and North Dakota, the allowance is one-half the weekly benefit amount; in Arkansas and Massachusetts it is two-fifths; in Oregon it is one-third; in Colorado, Iowa, and South Carolina it is one-fourth; in New Hampshire, New Mexico, and Ohio it is one-fifth. In the District of Columbia and Kentucky it is one-fifth of the wages earned in the week, in Nevada, one-fourth, and in Connecticut it is one-third; in Washington one-fourth of earnings in excess of $5; in the Virgin Islands one-fourth of earnings in excess of $15; in Alaska 3/4 of wages in excess of $50. In South Dakota it is 25 percent of the wages earned in the week up to the individual's weekly benefit amount. In Louisiana it is the lesser of 50 percent of an individual's weekly benefit amount or $50. In Michigan the full weekly benefit is paid if earnings are less than half the weekly benefit, but only half the weekly benefit is paid if wages are half or less of the weekly benefit. In Vermont the allowance is $15 plus $3 for each dependent up to 5 or a maximum of $30. In Nebraska the full weekly benefit is paid if earnings are half or less than the weekly benefit, but only half the weekly benefit is paid if wages are more than the weekly benefit.

Most State laws provide that the benefit for a week of partial unemployment, if not an even-dollar amount, shall be rounded to the nearest or the lower dollar. In a State with a $3 allowance and rounding to the lower dollar, a claimant with a $20 weekly benefit amount and earnings of $10.95 would receive a partial benefit of $12.

base-period wages (Illinois, Indiana); spouses unable to work because of disability (District of Columbia); and dependent parents, brothers, and sisters who are unable to work because of age or disability (District of Columbia, Iowa and Michigan). In Indiana, Michigan, and Ohio, allowances are paid if the dependents were unemployed and were receiving more than half of their support from the claimant for 90 consecutive days; or for the duration of the relationship if less, immediately prior to the beginning of the benefit year. In addition, in Ohio a spouse may not be claimed as a dependent if the spouse has an average weekly income in excess of the lesser of 25 percent of the claimant's average weekly wage or $30. In Maine no dependency allowance is paid for any week in which the spouse is employed full time and is contributing to the support of the dependents. Iowa uses the definition of dependent found in Federal income tax guidelines except that Iowa law includes a nonworking spouse as a dependent and defines the term as a spouse who earns less than $120 in a week.

330.02 AMOUNT OF WEEKLY DEPENDENTS' ALLOWANCES.--The amount allowed is ordinarily a fixed sum (Table 308). However, in Indiana, Iowa, and Ohio the allowance is determined not only on the number of dependents but also on the amount of earnings. Indiana relates the amount of the allowance to the claimant's high-quarter wages. New Jersey pays 7 percent of the individual's weekly benefit amount for the first dependent and 4 percent each for the next two dependents. Rhode Island pays the greater of $10 or 5 percent of the individual's benefit rate for each dependent.

In Michigan benefits are paid to claimants according to a schedule of the average weekly wages and the individual's after tax earnings. The weekly benefit amount payable reflects both the individual's earnings and the number of dependents.

Ohio pays benefits according to the claimant's average weekly wage and dependency class. Class A is a claimant with no dependents; class B, one or two dependents; class C, are claimants with three or more dependents.

All States have a limit on the total amount of dependents' allowance payable in any week--in terms of dollar amount, number of dependents, percentage of basic benefits or of high-quarter wages or of average weekly wage. Only in Maine, Michigan and Massachusetts can any claimant receive allowances for more than five dependents. In Pennsylvania and Illinois the limit is two dependents; in Alaska, the District of Columbia, New Jersey and Ohio, three dependents; in Indiana, Iowa, and Maryland, four dependents; in Connecticut, and Rhode Island, five dependents. In several States the limitation on maximum allowances in terms of the basic weekly benefit amount results in reducing, for many claimants, the nominal allowance per dependent or the maximum number of dependents on whose behalf allowances may be paid.

In Pennsylvania and Rhode Island a claimant with the maximum weekly benefit can draw the maximum amount of dependents' allowances provided in the law. The District of Columbia, Maryland, and New Jersey have a different type of limit in that the maximum weekly benefit is the same with or without dependents; thus no claimant drawing the maximum weekly benefit can receive any dependents' allowances regardless of the number of dependents.

In all but two States, the number of dependents is fixed for the benefit year when the monetary determination on the claim is made. Alaska and Connecticut permit the dependents' allowances to be adjusted during the benefit year if an individual acquires additional dependents. In almost all States, only one parent may draw allowances if both are receiving benefits simultaneously.

330.03 DEPENDENTS' ALLOWANCES FOR PARTIALLY UNEMPLOYED WORKERS.--Claimants who are eligible for partial benefits may draw dependents' allowances in addition to their basic benefits in all the States which provide these allowances. In all States except Illinois, Indiana, Maryland, and Ohio, the existence of a week of partial unemployment is measured by the basic rather than the augmented weekly benefit, and in all States except Indiana the full allowance is paid for a week of partial unemployment. In Indiana the benefit for a week of partial unemployment, including dependents' allowances, is determined by the amount of the partially unemployed individual's earnings. In other States the allowance for dependents may be greater than the basic benefit for partial unemployment.

330.04 RELATION OF DEPENDENTS' ALLOWANCES AND DURATION.--As indicated in Table 308, in some States the dependents' allowances increase the maximum amounts payable in a benefit year for all claimants because dependents' allowances are added to the basic weekly benefit so long as it is payable. In the District of Columbia, Maryland and New Jersey the maximum potential benefits for the claimant at the maximum weekly benefit amount are the same for claimants with or without dependents because the maximum weekly benefit is the same with or without dependents. However, claimants receiving less than the maximum weekly benefit amount and dependents' allowances in the District of Columbia may draw dependents' allowances so long as basic benefits are payable. In Indiana maximum potential benefits, as well as weekly amounts, may be increased for some claimants with dependents but the additional amounts payable are included in the duration formula.

The provisions concerning dependents' allowances and partial benefits also affect maximum potential benefits in a benefit year. In Indiana and Ohio, where dependents' allowances are considered as part of the weekly benefit amount, maximum potential benefits in a benefit year are the same for claimants partially unemployed and those totally unemployed. In Maryland the number of payments for dependents is limited to 26. In the other States where full allowances for dependents are paid for all weeks of partial benefits, the maximum potential benefits and allowances in a benefit year may be greater than the maximum augmented benefits for the maximum number of weeks of total unemployment provided in the law.

335 Duration of Benefits

A few State laws allow potential benefits equal to the same multiple of the weekly benefit amount (20 to 26 weeks) to all claimants who meet the qualifying-wage requirements. Some of these States have an annual-wage formula with comparatively high requirements of base-period wages at all but the lower benefit levels. New York and Vermont have average-weekly-wage formulas. The other States have a high-quarter formula for determining the weekly benefit amount; they all directly or indirectly require employment in more than one quarter for all--or most--claimants to qualify.

335.01 FORMULAS FOR VARIABLE DURATION.--The other State laws provide a maximum potential duration of benefits in a benefit year equal to a multiple of the weekly benefit (20 to 30 weeks of benefits for total unemployment), but have another limitation on annual benefits. In 31 of these States a claimant's benefits are limited to a fraction or percent of base-period wages, if it produces a lesser

amount than the specified multiple of the claimant's weekly benefit amount, as follows:

Duration fraction or percent

	Number of States
3/5	1
1/2	3
36 percent	1
1/3	19
3/10	1
27 percent	3
1/4	3

In Alaska, Idaho, Montana, North Carolina and North Dakota maximum benefits are computed in terms of specified ratios of base-period wages to high-quarter wages up to a maximum of 26 weeks.

In several States with an average-weekly-wage formula, maximum potential benefits depend on a fraction of weeks worked (Table 309). In Michigan and Wisconsin, duration--like the weekly benefit amount--is figured separately for each employer in inverse chronological order.

In all States, the maximum potential benefits may be used in weeks of total or of partial benefits. If a claimant has some or all weeks of partial benefits, the number of weeks of benefits may be greater than the number shown in Table 309. In a few States with dependents' allowances, the maximum potential benefits in a benefit year may be greater than the amount shown in Table 309 (Table 308, footnote 1).

335.02 MINIMUM WEEKS OF BENEFITS.--In Idaho, Kentucky, and North Carolina, with variable duration and a high-quarter benefit formula, a minimum number of weeks duration (10 to 26) is specified in the law. In other States the minimum potential annual benefits result from the minimum qualifying wages and the duration fraction or from a schedule. For any claimant this minimum amount may be translated into weeks of total unemployment by dividing the potential annual benefit by the weekly benefit. If the weekly benefit amount for a claimant who barely qualifies for benefits is higher than the statutory minimum weekly benefit (because the qualifying wages are concentrated largely or wholly in the high quarter), the weeks of duration are correspondingly reduced.

335.03 MAXIMUM WEEKS OF BENEFITS.--Maximum weeks of benefits vary from 20 to 30 weeks, most frequently 26 weeks. Table 309, giving the number of States by maximum weeks of benefits and maximum weekly amounts, shows the general tendency of the State formulas to be liberal in both respects if liberal in one.

In Massachusetts and Michigan, duration may be extended for those claimants who are taking training to increase their employment opportunities. In both States any claimant certified as attending a vocational retraining course approved by the agency is entitled to as much additional as an amount equal to 18 times the weekly benefit while attending the course. California pays benefits under the State extended benefits program to claimants during periods of retraining (sec. 335.07).

New York has established a 3-year demonstration which will enable claimants in approved training to receive additional benefits for up to 52 effective days. The duration of additional benefits may not exceed the number of effective days to which the claimant is entitled at the time he/she begins training. The program will expire in 1990.

Iowa uses a duration fraction of 1/2 base-period wages up to a maximum of 39 weeks of benefits if the individual is laid off because the employer went out of business. All other claimants are limited to a duration fraction of 1/3 base-period wages up to a maximum of 26 weeks of benefits.

335.04 OTHER LIMITS ON DURATION.--In most States with variable duration, claimants at all benefit levels are subject to the same minimum and maximum weeks of duration.

Four other States include a limitation on wage credits in computing duration. In Colorado only wages up to 26 times the current maximum weekly benefit amount per quarter count; in Indiana, wages up to $4,186 and in Oklahoma, $4,550. In Missouri wage credits are limited to 26 times the claimant's weekly benefit amount. This type of provision tends to reduce weeks of benefits for claimants at the higher benefit levels.

335.05 MAXIMUM POTENTIAL BENEFITS IN A BENEFIT YEAR.--In the 53 States maximum potential basic benefits in a benefit year are lowest in Puerto Rico and highest in the District of Columbia and Minnesota. In the States with dependents' allowances, maximum potential benefits for the claimant with maximum dependents' allowances are lowest in Indiana and highest in Massachusetts. The qualifying wages required for these various amounts vary even more widely than the benefits, as shown in Table 309. The variations are related more to the type of formula than to the amount of benefits.

335.06 FEDERAL-STATE EXTENDED BENEFITS.--The Federal-State extended benefit program, established by Public Law 91-373, is designed to pay extended benefits to workers during periods of high unemployment. The program is financed equally from Federal and State funds and becomes operative on a State level. An extended benefits period becomes effective in a State in the third week following the week in which a State "on" indicator is reached and stays effective until the third week following the first week in which State indicators are off, but for not less than 13 weeks.

BENEFITS

A State "on" indicator is reached in the last week of the 13-week period when the rate of insured unemployment (not seasonally adjusted) in the State for such period (a) equals or exceeds 120 percent of the average of such rates for the corresponding period in each of the preceding 2 calendar years,[1] and (b) is not less than 5 percent.[2] However, no extended benefit period may begin by reason of a State "on" indicator before the fourteenth week after the close of a prior extended benefit period in that State. A State "off" indicator is reached in the last week of the specified 13-week period when the rate of insured unemployment (not seasonally adjusted) in the state for such period either (a) falls below 120 percent of the average of such rates for the corresponding period in each of the preceding 2 calendar years,[1] or (b) is less than 5 percent.

Within certain requirements, extended benefits are payable at the same rate as the claimant's weekly benefit amount under the State law. A claimant may receive extended benefits equal to the least of the following amounts: one-half the total amount of regular benefits, including dependents' allowances; or 13 times his weekly benefit amount. There is an overall limitation of 39 weeks on regular and extended benefits.

An extended benefit (EB) claimant who fails to apply for or to accept suitable work or who fails to actively engage in seeking work is not entitled to EB for the week in which such failure occurred, and the claimant is further ineligible beginning with the week following the week in which such failure occurs and until the individual has been employed during at least 4 weeks and has earned a total of 4 times the individual's EB amount.

Suitable work for EB claimants is defined as "any work within such individual's capabilities except that if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the applicable State law". An individual cannot be disqualified for failing to accept an offer of suitable work, or to apply for suitable work to which referred by the State agency, if the gross weekly pay of the job does not exceed the extended weekly benefit amount payable to him for a week of total unemployment plus the amount of any supplemental unemployment benefits (SUB) payable for such week. Such jobs cannot pay less than the higher of the Federal minimum wage or any applicable State or local minimum wage and the job offer must be in writing and listed with the State agency.

1/ State law may waive this requirement whenever the IUR in the State equals or exceeds 6 percent.

2/ Thirteen States do not waive the 120% criterion. However, New York allows waiver of the 120% criterion at the discretion of the director.

An EB claimant must also make a "systematic and sustained effort" to seek work each week and must provide "tangible evidence" to the State agency that he has done so. The State agency must refer EB claimants to jobs which meet the suitability requirements. A claimant who fails to meet this work search requirement is disqualified until he has worked at least 4 weeks and earns 4 times his weekly benefit amount. However, States may provide an exception to this disqualification and apply only week to week eligibility determinations to EB claimants who are serving on jury duty or hospitalized for treatment of an emergency or lifethreatening condition if the State treats regular claimants in this fashion.

Extended benefits payable to an interstate claimant shall be limited to 2 weeks unless both agent and liable States are in an EB period.

A claimant is required to have 20 weeks of work, or the equivalent, (1-1/2 x high-quarter wages or 40 x weekly benefit amount) in order to qualify for EB. Also, a claimant who receives TRA will have his EB entitlement reduced by the number of weeks of TRA he received if he received TRA before EB triggered "on" in the State.

The Federal 50% matching share of EB will be reduced if a State fails to require a waiting week or if it fails to have a benefit structure in which benefits are rounded down to the lower dollar. Colorado, Delaware, Kentucky, Louisiana, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, and Wyoming reduce the EB amount payable to a claimant during a period in which Federal payments to States for EB are reduced pursuant to a sequester order under Gramm-Rudman-Hollings.

335.07 STATE PROGRAMS FOR EXTENDED DURATION.--A few States have solely State-financed programs for payment of extended benefits during periods of high unemployment. In Puerto Rico extended benefits are paid to claimants who become permanently displaced from their usual occupation as a direct result of technological progress in the industry; permanent removal of an industry, factory, or occupation; or the elimination or reduction of the sugarcane crop areas. In the other States they are paid when unemployment within the State reaches specified levels.

In California with variable duration and a maximum of 26 weeks, potential benefits are extended by 50 percent up to a maximum of 13 weeks. Puerto Rico, with uniform duration of 20 weeks, and Connecticut, with a uniform duration of 26 weeks, extend potential duration by 32 weeks and 13 weeks, respectively. Alaska pays State-financed extended benefits under the same conditions as the Federal-State program if the claimant meets all requirements but fails to meet the additional earnings requirement for Federal-State extended benefits.

State extended benefits may not be paid in California or Connecticut for any week for which an individual is entitled to or is receiving Federal-State extended benefits. Total Federal-State extended benefits are limited in California to the lesser of 13 times the weekly benefit amount or one-half the maximum amount of normal benefits payable during the benefit year. Also, California has additional employment qualifications for receipt of State extended benefits.

In California benefits start when the insured unemployment rate for the most recent 13 weeks is 6 percent or more, and end when such rate for the most recent 13 weeks falls below 6 percent. In Connecticut extended benefits begin and end under the same criteria used for triggering in a State "on" and "off" indicator under the Federal-State program.

Hawaii has a separate law, known as the Additional Unemployment Compensation Benefits law, that provides 13 additional weeks of benefits when a natural or manmade disaster causes damage to either the State as a whole or any of its counties and creates an unemployment problem involving a substantial number of persons and families.

Minnesota pays up to 6 weeks of additional benefits if the employer reduces operations at a facility employing 100 or more for 6 months resulting in a 50 percent reduction of the work force; and the employer does not intend to resume operations; and the unemployment rate in the facility's county was 10 percent during the month of reduction or any of the 3 months preceding or succeeding the reduction.

340 Seasonal Employment and Benefits

In most States no distinction is made, in determining an individual's benefit rights, between wages received from a covered employer whose operations are seasonal in character and those received in employment not regarded as seasonal. In these States, entitlement to benefits is determined under the same benefit provisions, whether the claimant's base-period employment had been in seasonal or nonseasonal work. In many States the wage levels and the length of the operating period of seasonal pursuits are such that individuals, whose only or primary employment has been in seasonal work, are automatically excluded from benefits because they do not meet the wage or employment requirements (Table 301). Also, in applying the availability-for-work test (sec. 410) all States give special attention to claimants who earned all or a large part of their base-period wages in seasonal employment--especially those filing for benefits during the off-season of the industry in which the wages were earned.

In 12 States there are special provisions, varying in their effect of the benefit rights of the workers concerned, governing the payment of benefits based on earnings in seasonal employment. In these States, there are restrictions on the payment of benefits to workers who earned some or a substantial part of their base-period wages in employment defined as seasonal. In these special provisions the term seasonal is defined in specific terms--either in the statute or in rules or regulations implementing the statute--and is applied to (a) the industry, employer, or occupation involved; (b) the wages earned during the operating period of the employer or industry; and (c) the worker himself. In most States the designation of seasonal industries, occupations, or employers and the beginning and ending dates of their seasons is made in accordance with a formal procedure, following action initiated by the employment security agency or upon application by the employers or workers, involving hearings and presentation of supporting data. Arkansas law requires the agency director to make periodic studies of industries previously determined to be seasonal to determine whether they should continue to be so classified.

The first processing of perishable food products and agricultural or horticultural products is designated as seasonal in Wisconsin.

In five other States a seasonal pursuit, industry, or employer is defined in such terms as one in which "because of climatic conditions or the seasonal nature of the employment it is customary to operate only during a regularly recurring period or periods of less than (a specified number of weeks)": 25 weeks in Colorado; 26 weeks in Indiana; 26 weeks in Maine,[1] and Ohio; 36 weeks in North Carolina.

In Arkansas, an industry may be designated as seasonal if, because of its seasonal nature, it is customary to lay off 40 percent or more of the workers for as many as 16 weeks during a regularly recurring period of each year.

In general, the restrictions on the payment of benefits to individuals employed during the operating periods of these seasonal industries fall into one of three groups.

1. The most frequent restriction provides that wage credits earned in seasonal employment are available for payment of benefits only for weeks of unemployment in the benefit year that fall within the operating period of the employer or industry where they were earned; wage credits earned in non-seasonal work, or in employment with a seasonal employer outside the operating period, are available for payment of benefits at any time in the benefit year. The States with this type of provision are listed below, together with the definitions of "seasonal worker" to whom the restrictions apply:

Arkansas	Off-season wages of (a) less than 30 times the weekly benefit amount, if worker's seasonal wages were earned in an industry with an operating period of 2-6 months; or (b) less than 24 times the weekly benefit amount, if seasonal wages were earned in an industry with operating period of 7-8 months.
Colorado	Some seasonal wages in operating period of seasonal industry.
Indiana	Some seasonal wages in operating period of seasonal employer.
Maine	Some seasonal wages in operating period of seasonal employer.
Mississippi	Off-season wages of (a) less than 30 times the weekly benefit amount, if worker's seasonal wages were earned in a cotton ginning industry or professional baseball with an operating period of 6-26 weeks; or (b) less than 24 times the weekly benefit amount, if seasonal wages were earned in a cotton ginning industry or professional baseball with operating period of 27-36 weeks.
North Carolina	25 percent or more of base-period wages earned in operating period of seasonal employer.
Ohio	Some wages earned in operating period of seasonal employer.
Pennsylvania	Seasonal wages for less than 180 days of work in operating period. 3/
South Dakota	Some wages earned in operating period of seasonal employer.[2]

1/For seasonal lodging facilities, variety store or trading post, restaurants and camps, a period of less than 26 weeks applies.

2/If the initial claim is filed within the operating period, entitlement is computed on the basis of both seasonal and nonseasonal wages; if filed outside such period, computation is based on only nonseasonal wages.

3/Applies only to individuals with a reasonable assurance of seasonal reemployment.

2. Another type of restriction is applicable to claimants who earned a large proportion of their base-period wages in the operating period of a seasonal industry. Under these provisions no benefits may be paid to the seasonal workers.

West Virginia	Individual with less than 100 days of employment in seasonal industry and less than $100 in other covered employment.
Wisconsin	Service performed by an individual for a seasonal employer is not covered unless he earned wages of at least $200 in other covered employment in the 52 weeks preceding the seasonal employment.

3. A third type of restriction is applicable to individuals in Minnesota who have employment in seasonal work. Minnesota defines seasonal work as work with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less in each calendar year. Minnesota requires that these individuals also have 15 or more weeks equal to or in excess of 30 times the weekly benefit amount in nonseasonal work, because wages paid in seasonal work are not available for benefit purposes outside the season.

345 Interstate Benefit Arrangements

To encourage a claimant to move from a State where no suitable work is available to one where there is a demand for the type of service the claimant is able to render, States have historically entered into agreements to protect the benefit rights of workers who have made such moves. Prior to the Employment Security Amendments of 1970 (P.L. 91-373) which required the States to "....participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under the State law with his wages and employment covered under the unemployment compensation law of other States which are approved by the Secretary of Labor in consultation with the State unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation.....," the States had developed several different wage-combining plans to provide for payment of benefits to interstate workers. However, not all States had belonged to any one plan.

345.01 INTERSTATE BENEFIT PAYMENT PLAN.--This plan permits collection of unemployment insurance benefits from the State in which an individual has qualifying wages although not physically present in that State. The State in which the individual is located accepts the claim, acting as agent for the State that is liable for the benefits claimed. Determinations on eligibility, disqualifications, and the amount and duration of benefits are made by the liable State.

345.02 WAGE-COMBINING ARRANGEMENT.--The arrangement developed as a result of the 1970 amendments to the Federal law provides for applying the base period of a single State law (that of the paying State) to a claim involving the combining of an individual's wages earned in two or more States while avoiding duplicate use of wages and employment because of such combining. The arrangement continues to permit, as did prior interstate agreements, multi-State workers to combine their

wages and employment in more than one State, both when they have insufficient wages and employment to qualify for benefits in any one State and when, having sufficient wages and employment to qualify for benefits in one State, their benefits would be increased by combining their wages and employment in other States. In addition, the arrangement permits workers, having sufficient wages and employment to qualify for benefits in more than one State, to combine their wages in those and any other States in which they had wages and employment in the base period of the paying State. A claimant who elects to file a combined-wage claim is required to combine all the transferable wages and employment in all States in which such claimant worked during the paying State's base period. The claimant may, however, withdraw the combined-wage claim at any time before the monetary determination of that claim has become final.

In general, with the exception of wages and employment previously used as the basis of a monetary determination to establish a benefit year, all States are required to transfer to the paying State the wages and employment that a combined-wage claimant had in covered employment during the paying State's base period. Exempt from such mandatory transfer are wages and employment that were canceled or otherwise made unavailable to the claimant by a determination which the transferring State made before it received the request for transfer. In general, unless the issue has previously been adjudicated by a transferring State, all determinations with respect to a combined-wage claim are to be made by the paying State under the provisions of its law and in accordance with its law's requirements on determinations and appeals.

The arrangement provides for consultation by the Secretary of Labor with the State unemployment compensation agencies as to the rules, regulations, procedures, and forms which the Secretary prescribes and the States follow for operation of the arrangement. Disagreements between States as to the operation of the arrangement are resolved by the Secretary with the advice of the State agencies' duly designated representatives. The agreement also provides for periodic review of its operation. Amendments to the arrangement may be proposed by the Secretary, by any State agency, or by the Interstate Conference of Employment Security Agencies and are made, upon approval, by the Secretary in consultation with the State unemployment compensation agencies.

350 Short-term Compensation (Worksharing)

P.L. 97-248 directed the Department of Labor to develop model legislation that can be used by States wishing to establish short-term compensation (worksharing) programs. There is no requirement that States adopt this legislation. The States with worksharing programs in effect are Arizona, Arkansas, California, Florida, Illinois, Louisiana, Maryland, Missouri, New York, Oregon, Texas, Vermont, and Washington.

A worksharing plan of an employer must be agreed to by both employer and union with final approval by the State Employment Security Agency. Worksharing is a plan under which an employer, faced with the need for layoffs because of reduced workload, might spread the hours of work required to produce a given product of goods or services, avoiding layoffs by reducing the number of regularly scheduled hours of work for all employees in an establishment or work unit. Unemployment benefits would be payable to workers for the hours of work lost by this action, as a proportion of the benefit amount for a full week of unemployment. Shared work benefits differ from benefits paid under the partial benefits formula in a State by paying benefits to individuals who would not, under the partial benefits formula, be considered unemployed. Also, duration is limited to 20 weeks in California, Illinois, and New York; 26 weeks in Arizona, (but may be extended if the insured unemployment rate for a 13-week period is equal to at least 4%), Arkansas, Florida, Louisiana, Maryland, Missouri, Oregon, Texas, Vermont, and Washington in any 12-month period and employees will not be expected to meet the standard availability for work, actively seeking work or refusal of work requirements as in the regular unemployment insurance program but will be required to be available for the employee's normal workweek.

In Arizona and California employers with a negative reserve account balance and whose account has been charged for benefits paid under worksharing are assessed an additional rate of tax. In Florida, Missouri, Oregon, and Texas any employer participating in a worksharing program can be assessed a higher rate of contributions than the maximum rate for nonworksharing employers. In Arkansas, Louisiana, Maryland, Vermont, and Washington shared work benefits will be charged to an employer's account in the same manner as for regular unemployment benefits. In Illinois employers must reimburse the fund for all shared-work benefits paid to individuals. In New York shared work benefits are charged to the appropriate account in an amount expressed in dollars rather than effective days.

355 Health Care Coverage

States may, by law, permit individuals to choose to have health insurance premiums deducted from their unemployment insurance weekly benefit amount, providing that the State has an approved health care plan for unemployed individuals. Only Illinois and Oklahoma have adopted this provision.

360 Dislocated Workers

Arizona, California, Delaware, Indiana, Maine, Massachusetts, New York, Pennsylvania, and Wisconsin have established special programs for dislocated workers which provide job search assistance and job training. None of these programs is funded from the State's unemployment fund.

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Table 300.--Base Period and Benefit Year

State	Base period			Benefit year	
	Individual			Individual beginning	
	First 4 of last 5 quarters (43 States)	Last 4 quarters (2 States)	Other (8 States)	Week of valid claims (49 States)	Other (4 States)
(1)	(2)	(3)	(4)	(5)	(6)
Ala.	X	. . . . .	. . . .	X	. . . . .
Alaska	x9/	. . . . .	. . . .	X	. . . . .
Ariz.	x1/	. . . . .	. . . .	X	. . . . .
Ark.	X	. . . . .	. . . .	. . . .	Calendar quarter valid claim filed.
Calif.	. . . . .	. . . . .	x2/	x3/	. . . . .
Colo.	x9/	. . . . .	. . . .	x5/	. . . . .
Conn.	x9/	. . . . .	. . . .	x6/	. . . . .
Del.	x1/	. . . . .	. . . .	X	. . . . .
D.C.	X	. . . . .	. . . .	X	. . . . .
Fla.	X	. . . . .	. . . .	x3/	. . . . .
Ga.	X	. . . . .	. . . .	X	. . . . .
Hawaii4/12/	. . . . .	X	. . . .	X	. . . . .
Idaho	x1/	. . . . .	. . . .	X	. . . . .
Ill.	X	. . . . .	. . . .	X	. . . . .
Ind.	x9/	. . . . .	. . . .	X	. . . . .
Iowa	x9/	. . . . .	. . . .	X	. . . . .
Kans.	X	. . . . .	. . . .	X	. . . . .
Ky.	X	. . . . .	. . . .	X	. . . . .
La.	X	. . . . .	. . . .	X	. . . . .
Maine	x1/	. . . . .	. . . .	X	. . . . .
Md.	X	. . . . .	. . . .	X	. . . . .
Mass.4/	. . . . .	. . . . .	x7/9/	. . . .	Sunday preceding filing of claim.
Mich.4/	. . . . .	. . . . .	x7/	x3/5/9/	. . . . .
Minn.4/	X 1/9/	. . . . .	. . . .	X	. . . . .
Miss.	X	. . . . .	. . . .	X	. . . . .
Mo.	X	. . . . .	. . . .	X	. . . . .
Mont.	x9/	. . . . .	. . . .	X	. . . . .
Nebr.10/	. . . . .	X	. . . .	X	. . . . .
Nev.	x1/	. . . . .	. . . .	X	. . . . .
N.H.	. . . . .	. . . . .	Uniform CY	. . . .	Uniform, April 1.
N.J.	X	. . . . .	. . . .	x3/	. . . . .
N.Mex.	x9/	. . . . .	. . . .	X	. . . . .
N.Y.4/	. . . . .	. . . . .	x7/9/	. . . .	Monday after valid claim filed.3/
N.Car.	X	. . . . .	. . . .	x3/	. . . . .

(Table continued on next page)

Table 300.--Base Period and Benefit Year (Continued)

State	Base period			Benefit year	
	Individual			Individual beginning	
	First 4 of last 5 quarters (43 States)	Last 4 quarters (2 States)	Other (8 States)	Week of valid claims (49 States)	Other (4 States)
(1)	(2)	(3)	(4)	(5)	(6)
N.Dak.	X	. . . . .	. . . .	X	. . . . .
Ohio[4/][12/]	. . . . .	. . . . .	X[7/]	X[3/]	. . . . .
Okla.	X	. . . . .	. . . .	X	. . . . .
Oreg.	X[1/][9/]	. . . . .	. . . .	X	. . . . .
Pa.	X	. . . . .	. . . .	X[3/]	. . . . .
P.R.	X	. . . . .	. . . .	X	. . . . .
R.I.[4/][12/]	. . . . .	. . . . .	X[7/]	X	. . . . .
S.Car.	X	. . . . .	. . . .	X	. . . . .
S.Dak.	X	. . . . .	. . . .	X	. . . . .
Tenn.	X[1/]	. . . . .	. . . .	X	. . . . .
Tex.	X	. . . . .	. . . .	X	. . . . .
Utah	X [9/]	. . . . .	. . . .	X[3/]	. . . . .
Vt.	X [11/] .	. . . . .	. . . .	X	. . . . .
Va.	X[1/]	. . . . .	. . . .	X	. . . . .
V.I.	X	. . . . .	. . . .	X	. . . . .
Wash.	X[1/][11/]	. . . . .	. . . .	X	. . . . .
W.Va.	X	. . . . .	. . . .	X	. . . . .
Wis.[4/][12/]	. . . . .	. . . . .	X[7/]	X[3/]	. . . . .
Wyo.	X[9/]	. . . . .	. . . .	X[3/]	. . . . .

[1/] Last 4 completed CYs following previous BP when new BY overlaps preceding BY, Ariz.; last 4 completed CQs if the individual has insufficient wage credits to establish a valid claim, Minn.; last 4 quarters preceding BY if 1 quarter has been used in a previous determination, Maine, Nev. and Tenn.; Del., Idaho, Ore., Tenn., Va., and Wash. extend the BY up to 1 wk. if there would otherwise be overlapping of the same quarter in 2 consec. BPs.

[2/] 4 quarters ending 4 to 7 calendar months before BY.

[3/] BY begins only under the following conditions: if claimant is not disqualified with respect to most recent ER from whom he earned wages in excess of $25 in 1 wk; however, individuals disqualified under labor dispute provisions are excepted and may establish a BY while disqualified, Mich.; if claimant is not disqualified, N.Y.; is able to work and available for work, N.Y., Pa., and Utah; is unemployed, Calif., Fla., Mich., N.J., N.C., Ohio, Pa., and Wis.; has not misrepresented a material fact with respect to able-and-available requirements or reason for his unemployment, Wyo..

[4/] Wage data for determining benefit rights are obtained on a request basis after worker files claim. Mich., Minn., and R.I., also request ERs to report quarterly wage information.

[5/] BY may be canceled in cases of intentional false statement, misrepresentation, or concealment of material information, Mich.. BY is canceled if all or remainder of claimant's benefit rights in current BY are canceled, Colo..

[6/] BY may not end until after end of 3d complete CQ plus remainder of any uncompleted calendar wk. which began in a quarter following the one in which it commenced.

(Footnotes continued on next page)

(Footnotes for Table 300 (Continued)

7/52 wks. preceding BY, Mass., Mich., Ohio, and Wis.; ending with 2d wk. preceding BY, R.I.; preceding filing of valid original claim, N.Y..

9/Base period may be extended, up to 4 quarters, if claimant was incapable of work during the greater part of a CQ, Alaska and Oreg.; up to 4 quarters prior to the individual's BY, Conn.; up to 4 quarters depending on length of time a claimant received compensation for temporary disability under a worker's compensation law, Minn.; up to 4 quarters preceding the last day the individual was able to work, Ind.; up to 4 quarters preceding the disability if the claim was filed within 24 months from the date of the individual's disability, Mont.. Colo., N.Mex., Utah, and Wyo., "freeze" benefit rights for any continuous period up to 36 months during which claimant received worker's compensation, provided claimant files claim within the 4th wk. after termination of illness or injury. In Mass., BP may be lengthened up to 52 wks. if claimant received compensation for temporary total disability under a worker's compensation law for more than 7 wks. in BP. In Iowa the BY may be extended 3 or more quarters if he received workers' compensation or weekly indemnity insurance benefits for 3 or more quarters. N.Y. extends BP by the number of wks. an individual receives workers compensation benefits or any benefits paid under the volunteer firefighters benefit law up to 6 months. Mich. will extend the BY equal to the number of wks. of the claimants continuous involuntary disability, up to a maximum of 156 wks., if the agency is notified of the disability within 90 days of its onset by the claimant's physician.

10/BP changed by regulation to the first four of the last five completed calendar quarters, Nebr..

11/BP may be the last 4 quarters if the first 4 out of the last 5 is not used, Wash.; BP may be one of two alternatives if individual fails to meet qualifying wage requirements: (1) last 4 quarters or (2) last 3 quarters plus any weeks of work in quarter in which claim is filed, Vt..

12/In process of changing from wage request to quarterly wage reporting system.

Table 301.--Wage and Employment Requirements for Benefits

State	Qualifying formula			Wages required for minimum benefit	
	Employment	Wages	Distribution of wages	Base period	High quarter
(1)	(2)	(3)	(4)	(5)	(6)
Ala.	. . . . .	1-1/2 x HQW	1/	$ 774.01	$ 516.01
Alaska	. . . . .	Flat	2 quarters	1,000.00	. . . . .
Ariz.	. . . . .	1-1/2 x HQW 9/	1/	1,500.00	1,000.00
Ark.	. . . . .	30 x wba	2 quarters	1,080.00	540.00
Calif.	. . . . .	Flat	. . . . .	1,200.00 13/	. . . . .
Colo.	. . . . .	40 x wba	. . . . .	1,000.00	. . . . .
Conn.	. . . . .	40 x wba	1/	600.00	. . . . .
Del.	. . . . .	36 x wba 2/	. . . . .	720.00	. . . . .
D.C.	. . . . .	1-1/2 x HQW	2 quarters	900.00	400.00
Fla.	20 weeks 3/	3/	1/	400.00	. . . . .
Ga.	. . . . .	1-1/2 x HQW	1/	1,350.00	900.00
Hawaii	14 weeks 7/	30 x wba	1/	150.00	. . . . .
Idaho	. . . . .	1-1/4 x HQW	2 quarters	1,430.01	1,144.01
Ill.	. . . . .	Flat	$440 in qtr. outside HQ	1,600.00	. . . . .
Ind.	. . . . .	1-1/2 x HQW	$1,500 in last 2 qtrs.	2,500.00	750.00
Iowa	. . . . .	1-1/4 x HQW 16/	1/	870.00	580.00
Kans.	. . . . .	30 x wba	2 quarters	1,530.00	. . . . .
Ky.	. . . . .	1-1/2 x HQW	8 x wba in last 2 qtrs. and $750 outside HQ.	1,500.00	750.00
La.	. . . . .	1-1/2 x HQW	1/	300.00	200.00
Maine	. . . . .	Flat	2 x annual aww in each of 2 qtrs. 1/	1,865.22	. . . . .
Md.	. . . . .	1-1/2 x HQW 2/ 5/	2 quarters	900.00	576.01
Mass.	. . . . .	30 x wba	. . . . .	1,200.00	. . . . .
Mich.	20 weeks 7/ 9/	7/	1/	3,195.00	. . . . .
Minn.	. . . . .	1-1/4 x hqw	1/	1,250.00	1,000.00
Miss.	. . . . .	40 x wba	2 quarters	1,200.00	780.00 11/
Mo.	. . . . .	1-1/2 x hqw	1/	750.00	500.00
Mont.	20 weeks 7/	. . . . .	1/	1,098.00	. . . . .
Nebr.	. . . . .	Flat	$400 in each of 2 qtrs.	1,200.00	400.00
Nev.	. . . . .	1-1/2 x HQW	1/	600.00	400.00
N.H.	. . . . .	Flat	$1,000 in each of 2 qtrs.	2,800.00	. . . . .
N.J.	20 weeks 7/ 9/	7/	1/	1,620.00	. . . . .

(Table continued on next page)

Table 301.--Wage and Employment Requirements for Benefits (Continued)

State	Qualifying formula			Wages required for minimum benefit	
	Employment	Wages	Distribution of wages	Base period	High quarter
(1)	(2)	(3)	(4)	(5)	(6)
N.Mex.	. . . . .	1-1/4 x HQW	1/	$1,030.92	$ 824.74
N.Y.	20 weeks 7/8/	7/	1/	1,600.00	. . . . .
N.C.	. . . . .	1-1/2 x HQW1/	1/	1,944.60	486.15
N.Dak.	. . . . .	1-1/2 x HQW	2 quarters	2,795.00	1,118.00
Ohio	20 weeks7/	7/	1/	1,702.00	. . . . .
Okla.	. . . . .	13/	1/	3,640.00	2,426.66
Oreg.	18 weeks7/	. . . . .	1/	1,000.00	. . . . .
Pa.	18/	37+-40 x wba 2/	1/5 of wages outside HQ.	1,320.00	800.00
P.R.	. . . . .	40 x wba2/	2 quarters10/	280.00	75.0010/
R.I.	20 weeks 7/9/	7/ 9/	1/	1,420.00	. . . . .
S.C.	. . . . .	1-1/2 x HQW	1/	900.00	540.00
S.Dak.	. . . . .	. . . . .	30 x wba outside HQ	1,568.00	728.00
Tenn.	. . . . .	40 x wba	1/	1,508.02	754.01
Tex.	. . . . .	37 x wba	1/	1,221.00	. . . . .
Utah		1-1/2 x hqw	1/	1,400.0015/	350.00
Vt.	. . . . .	13/	. . . . .	1,400.00	1,000.00
Va.	. . . . .	50 x wba	2 quarters	2,900.00	1,450.00
V.I.	. . . . .	1-1/2 x HQW9/	1/	1,287.00	858.00
Wash.	680 hours	. . . . .	. . . . .	. . . . .	. . . . .
W.Va.	. . . . .	Flat	2 quarters	2,200.00	. . . . .
Wis.	17 weeks 7/12/	7/	1/	7/	. . . . .
Wyo.	. . . . .	1.6 x HQW	1/	1,440.0017/	900.0017/

1/Wages in at least 2 quarters automatic requirement for all claimants. Additional requirement for claimants at max. wba; 6 x the State aww and HQW of at least 1-1/2 x the State aww, N.C.; 6 x aww in BP, Maine.

2/If claimant failed to meet qualifying requirement for wba computed on HQW but does meet the qualifying requirement for next lower bracket, is eligible for lower wba.; Md. provides a stepdown of 6 brackets; Pa., 3 brackets; and Del., 5 brackets; P.R. has an unlimited stepdown provision.

3/Requirement, expressed as 20 x an aww of at least $20 in BP, is equivalent to 20 wks. of employment with wages averaging at least $20.

5/The multiple (1-1/2) is not applied to the individual's HQW in Md., but the qualifying amount, shown in a schedule, is computed at the upper limit of each wage bracket (assuming a normal interval at the max. benefit amount).

(Footnotes continued on next page)

(Footnotes for Table 301 Continued)

7/Weeks of employment with wages of at least $20, (until October 1988, 20 wks. of work with wages of 37 times the State min. hourly wage (currently $2.30)), Ohio; $50, Mont.; with min. aww of $80, N.Y.. In Hawaii, Oreg., and Wis., no weekly amount specified. In Mich. at least 20 wks. in which claimant earned 30 times the State min. hourly wage; in N.J., 20 percent of the statewide aww (currently $86); in R.I., at least 20 wks. in which claimant earned 20 times the min. hourly wage ($73 beginning July 5, 1987).

8/If claimant does not meet regular qualifying requirement, can qualify in N.Y. if claimant has 15 wks. employment in the 52-week period and total of 40 wks. of employment in the 104-week period preceding the BY.

9/Alternative flat-amount requirement of 12 x aww (currently $5,200) in BP, N.J.; $9,100 in BP, Okla.; and $4,380 in BP, R.I.; 14 wks. employment and BP wages equal to 20 times the State aww, Mich.; wages in 2 qtrs. of BP, wages in 1 qtr. sufficient to qualify for the max. wba and total BP wages equal to or greater than the taxable wage base ($7,000), Ariz.; $858 in HQ and 39 x wba in BP, V.I..

10/Agricultural workers may qualify on the basis of earnings in a single CQ.

11/HQW must not be less than 26 times min. wba which is computed annually.

12/Weeks of employment include all wks. in which an individual receives or is entitled to receive holiday and vacation pay, termination pay, sick pay and back pay.

13/To qualify for benefits an individual needs either $20 in each of 8 wks. and BP wages of $900 or BP wages of $1,200, Calif.; in Vt., $1,000 in a qtr. and BP wages of at least 40 percent of the total HQ wages; in Okla. 40 percent of taxable wages and 1-1/2 x hqw.

15/Requires 8% of State average fiscal year wages in BP, rounded to the higher $100.

16/An individual must also have 1-1/2 times a HQ amount computed at 3.5% of the statewide aaw, Iowa.

17/Defined in law as 8% of State aaw in BP and 5% of State aaw in HQ, rounded to lower $50.

18/16 weeks at weekly minimum earnings of $50 qualify for 16 weeks duration.

Table 302.--Additional Qualifying Requirements in Successive Benefit Years

State	Wages (amount times wba unless otherwise indicated)			Wages must be in insured work
	Subsequent to beginning of preceding benefit year	Subsequent to date of last valid claim	Other	
(1)	(2)	(3)	(4)	(5)
Ala.	8	. . . . .	. . . . .	X
Alaska	8	. . . . .	. . . . .	. . . . .
Ariz.	8	. . . . .	. . . . .	. . . . .
Ark.	. . . . .	6	. . . . .	X
Calif.	. . . . .	. . . . .	Qualifying wages[1]	. . . . .
Colo.	$1,000	. . . . .	. . . . .	. . . . .
Conn.	5[3]	. . . . .	. . . . .	X
Del.	. . . . .	10	. . . . .	X
D.C.	10	. . . . .	. . . . .	. . . . .
Fla.	3	. . . . .	. . . . .	. . . . .
Ga.	8	. . . . .	. . . . .	X
Hawaii[4]	. . . . .	. . . . .	. . . . .	. . . . .
Idaho	5-1/2	. . . . .	. . . . .	. . . . .
Ill.	3[2]	. . . . .	. . . . .	. . . . .
Ind.	. . . . .	. . . . .	6	. . . . .
Iowa	$250	. . . . .	. . . . .	X
Kans.	. . . . .	8	. . . . .	X
Ky.	. . . . .	. . . . .	8[1]	. . . . .
La.	6[3]	. . . . .	. . . . .	X
Maine	8	. . . . .	. . . . .	X
Md.	10	. . . . .	. . . . .	X
Mass.[4]	. . . . .	. . . . .	. . . . .	. . . . .
Mich.[4]	. . . . .	. . . . .	. . . . .	. . . . .
Minn.	10	. . . . .	. . . . .	X
Miss.	8	. . . . .	. . . . .	X
Mo.	. . . . .	5[3]	. . . . .	X
Mont.	6[3]	. . . . .	. . . . .	. . . . .
Nebr	4	. . . . .	. . . . .	. . . . .
Nev.	3	. . . . .	. . . . .	. . . . .
N.H.[4]	. . . . .	. . . . .	. . . . .	. . . . .
N.J.	6	. . . . .	. . . . .	. . . . .
N.Mex.	6[3]	. . . . .	. . . . .	X
N.Y.[4]	. . . . .	. . . . .	. . . . .	. . . . .
N.C.	10	. . . . .	. . . . .	X
N.Dak.	. . . . .	10	. . . . .	X
Ohio[4]	. . . . .	. . . . .	. . . . .	. . . . .
Okla.	10	. . . . .	. . . . .	. . . . .
Oreg.	6	. . . . .	. . . . .	. . . . .
Pa.	6	. . . . .	. . . . .	. . . . .
P.R.	3[1/3]	. . . . .	. . . . .	X
R.I.[4]	. . . . .	. . . . .	. . . . .	. . . . .
S.C.	8	. . . . .	. . . . .	X[5]

(Table continued on next page)

Table 302.--Additional Qualifying Requirements in Successive Benefit Years (Cont.)

State	Wages (amount times wba unless otherwise indicated)			Wages must be in insured work
	Subsequent to beginning of preceding benefit year	Subsequent to date of last valid claim	Other	
(1)	(2)	(3)	(4)	(5)
S.Dak.	4	. . . . .	. . . . .	. . . . .
Tenn.	5	. . . . .	. . . . .	X
Tex.	6	. . . . .	. . . . .	. . . . .
Utah	6	. . . . .	. . . . .	X
Vt.	4	. . . . .	. . . . .	. . . . .
Va.	30 days work	. . . . .	. . . . .	. . . . .
V.I.	6[3/]	. . . . .	. . . . .	. . . . .
Wash.	6	. . . . .	. . . . .	. . . . .
W.Va.	8	. . . . .	. . . . .	X
Wis.[4/]	. . . . .	. . . . .	. . . . .	. . . . .
Wyo.	8	. . . . .	. . . . .	X

[1/] Within preceding BY, Calif.; last 2 quarters of BP, Ky.; for at least one CQ, P.R..

[2/] Wages must be in bona fide work.

[3/] Or 3/13th of hqw, whichever if lesser, La., Mont., N.Mex., and V.I.; or 10 x the wba in noncovered work, Mo.; or $300, whichever is greater, Conn.; but not less than $50, P.R..

[4/] No additional requirement since the lag period, if any, between BP and BY is too short to qualify for a second BY (sec. 305).

[5/] In S.C. insured work must be performed with a single ER.

[6/] $300 required in last two quarters of BP, and $500 in BP.

Table 303.--Waiting-Period Requirements

State	Initial waiting period (weeks)		In new benefit year		State	Initial waiting period (weeks)		In new benefit year	
	Total unemployment [1]	Partial unemployment [1]	Not to interrupt consec. weeks of benefits	May be served in last week of old year		Total unemployment [1]	Partial unemployment [1]	Not to interrupt consec. weeks of benefits	May be served in last week of old year
(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Ala.	0	1	X	. . .	Mont.	1	[1]	. . . .	. . .
Alaska	1	1	. . . .	. . .	Nebr.	1	1	. . . .	. . .
Ariz.	1	1	. . . .	. . .	Nev.	0	0	. . . .	. . .
Ark.	1	1	. . . .	. . .	N.H.	0	0	. . . .	. . .
Calif.	1	1	X	X	N.J.	1[2]	1[2]	. . . .	. . .
Colo.	1	1	. . . .	. . .	N.Mex.	1	1	. . . .	. . .
Conn.	0	0	. . . .	. . .	N.Y.	1[3]	2[3]	. . . .	. . .
Del.	0	0	. . . .	. . .	N.C.	1	1	. . . .	. . .
D.C.	1	1	. . . .	. . .	N.Dak.	1	1	. . . .	. . .
Fla.	1	1	. . . .	. . .	Ohio	1	1	. . . .	. . .
Ga.	1[4]	1[4]	. . . .	. . .	Okla.	1	1	. . . .	. . .
Hawaii	1	1	. . . .	. . .	Oreg.	1	1	. . . .	. . .
Idaho	1	1	. . . .	. . .	Pa.	1	1	. . . .	. . .
Ill.	1	1	. . . .	X	P.R.	1	1	. . . .	. . .
Ind.	1	1	. . . .	. . .	R.I.	1	1	. . . .	. . .
Iowa	0	0	. . . .	. . .	S.C.	1	1	. . . .	. . .
Kans.	1	1	. . . .	. . .	S.Dak.	1	1	. . . .	. . .
Ky.	0	0	. . . .	. . .	Tenn.	1	1	. . . .	. . .
La.	1	1	. . . .	. . .	Tex.	1[2]	1[2]	. . . .	. . .
Maine	1	1	. . . .	. . .	Utah	1	1	. . . .	. . .
					Vt.	1	1	. . . .	. . .
Md.	0	0	. . . .	. . .	Va.	0	0	. . . .	. . .
Mass.	1	1	X	X	V.I.	1	1	. . . .	. . .
Mich.	0	0	. . . .	. . .	Wash.	1	1	. . . .	. . .
Minn.	1[2]	1[2]	. . . .	. . .	W.Va.	1	1	. . . .	. . .
Miss.	1	1	. . . .	. . .	Wis.	0	0	. . . .	. . .
Mo.	1[2]	1[2]	. . . .	. . .	Wyo.	1	1	. . . .	. . .

[1] See sec. 300 for definition of total and partial unemployment.

[2] Waiting wk. becomes compensable after 9 consec. wks. of compensable unemployment immediately following waiting period, Mo.; after 3 such wks., N.J.; after receipt of benefits equaling 3 times the wba, Tex.; if reemployed full time after 4 wks. benefits paid, Minn..

[3] Waiting period is 4 effective days, either wholly within wk. of an original valid claim or partly within such wk. and partly within BY initiated by such claim.

[4] Waiting wk. waived for claimants unemployed through no fault of their own.

Table 304.--Weekly Benefits for Total Unemployment

State	Method of computing[1]	Rounding to--	Minimum weekly benefit[2]	Maximum weekly benefit[2]	Minimum wage credits required			
					For minimum		For maximum	
					High quarter	Base period	High quarter	Base period
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
High-quarter formula[3]								
AL	1/24[1]	Higher $	$22.00	$120.00	$ 516.01	$ 774.01	$2,868.01	$4,302.01
AZ	1/25	Nearest $	40.00	135.00	1,000.00	1,500.00	3,362.50	5,043.75
AR	1/26[11]	Lower $	36.00	204.00	540.00	1,080.00	5,304.00	10,608.00
CA	1/24-1/33	Higher $	30.00	166.00	225.00	1,200.00	5,533.00	5,533.00
CO	1/22[4]	Lower $	25.00	213.00	520.13	1,000.00	5,538.00[7]	22,152.00[7]
CT	1/26+d.a.	Lower $	15.00-22.00	216.00-266.00	150.00	600.00	5,616.00	8,640.00
DC	1/23+d.a.	Lower $	26.00	250.00[2]	600.00	900.00	5,750.00	8,625.00
GA	1/25[11]	Lower $	37.00	155.00[16]	900.00	1,350.00	5,166.67	7,750.00
HI	1/25	Higher $	5.00	223.00	37.50	150.00	5,550.01	6,690.00
ID	1/26	Lower $	44.00	188.00	1,144.01	1,430.01	4,888.00	6,110.00
IL	49[11]	Nearest $	51.00[2]	176.00-230.00[2]	1,424.00	1,600.00	4,660.50[2]	9,321.00[2]
IN	4.3%+d.a.[1]	Lower $	40.00[2]	96.00-161.00[2]	750.00	2,500.00	2,232.55[2]	3,348.82[2]
IA	1/19-1/23	Lower $	25.00-30.00	167.00-205.00	580.00	870.00	3,841.00	5,761.50
KS	4.25	Lower $	51.00[6]	204.00	[6]	1,530.00	4,800.00	6,120.00
LA	1/20-1/25[11]	Nearest $	10.00	191.00 [16]	200.00	300.00	5,112.50	10,225.00
ME	1/22+d.a.	Lower $	28.00-42.00	161.00-241.00	621.74	1,865.22	3,542.00	4,163.74
MD	1/24+d.a.	Higher $	25.00-31.00	195.00	576.01	900.00	4,656.01	7,020.00
MA	1/21-1/26+d.a.[3]	Lower $	14.00-21.00	236.00-354.00	300.00	1,200.00	6,136.00	7,080.00
MN	1/26	Lower $	38.00	250.00	1,000.00	1,250.00	6,500.00	8.125.00
MS	1/26	Lower $	30.00	130.00	780.00	1,200.00	3,380.00	5,200.00
MO	4.5%	Lower $	22.00	140.00	500.00	750.00	3,111.12	4,666.66
NE	1/20-1/24	Lower $	20.00	134.00	400.00	1,200.00	3,250.00	3,650.00
NV	1/25	Lower $	16.00	177.00	400.00	600.00	4,425.00	6,637.50
NM	1/26	Lower $	*31.00[6]	*158.00	824.74	1,030.92	4,108.00	5,135.00
NC	1/26[11]	Lower $	16.00	204.00	486.15	1,944.60	5,304.00	10,608.00
ND	[11]	Lower $	43.00	179.00	1,118.00	2,795.00	4,654.00	11,635.00
OK	1/25	Lower $	16.00	197.00	2,426.66	3,640.00	4,925.00	7,387.50

(Table continued on next page)

Table 304.--Weekly Benefits for Total Unemployment (Continued)

State	Method of Computing[1]	Rounding to--	Minimum weekly benefit[2]	Maximum weekly benefit[2]	Minimum wage credits required			
					For minimum		For maximum	
					High quarter	Base period	High quarter	Base period
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
PA	1/23-1/25[9]	Lower $	$35.00-40.00	$252.00-260.00[12]	$ 800.00	$1,320.00	$6,238.00	$10,000.00
PR[5]	1/11-1/26	Lower $	7.00	110.00	75.00	280.00	2,834.00	4,400.00
SC	1/26[4]	Lower $	20.00	132.00	540.00	900.00	3,432.00	5,148.00
SD	1/26	Lower $	28.00	140.00	728.00	1,568.00	3,640.00	7,840.00
TN[17]	1/25-1/33[11]	Lower $	30.00	145.00	754.01	1,508.02	4,780.01	9,560.02
TX	1/25	Higher $	34.00	210.00	305.25	1,221.00	1,942.50	7,770.00
UT	1/26	Lower $	13.00	202.00	350.00	1,400.00	5,252.00	7,878.00
VA	1/25[11]	Higher $	58.00	167.00	1,450.00	2,900.00	4,175.01	8,350.01
VI	1/26	Lower $	30.00	* 138.00	858.00	1,287.00	3,588.00	5,382.00
WA	1/25[11]	Lower $	55.00[6]	205.00	1,400.00	1,400.00	10,250.00	10,250.00
WY	4.0%	Lower $	36.00	198.00	900.00	1,440.00	4,950.00	7,920.00
Annual-wage formula								
AK	3.8-.95+d.a.[13]	Nearest $	$38.00-62.00	$188.00-260.00	. . . .	$1,000.00	. . . . .	$19,750.00
DE	[11]	Lower $	20.00	205.00	. . . .	720.00	. . . . .	15,990.00
KY	1.185	Nearest $	22.00	151.00	. . . .	1,500.00	. . . . .	12,700.42
NH	0.7-1.4	Nearest $	39.00	156.00	. . . .	2,800.00	. . . . .	23,500.00
OR	1.25	Lower $	52.00[6]	222.00	. . . .	1,000.00	. . . . .	17,760.00
WV	1.0	Lower $	24.00	225.00	. . . .	2,200.00	. . . . .	21,250.00
Average-weekly-wage formula								
FL	50	Lower $	$10.00	$200.00	. . . .	$ 400.00[8]	. . . . .	$ 8,000.00[8]
MI	70[15]	Lower $	*58.00	*229.00	. . . .	2,010.00[8]	. . . . .	8,678.20[8]
MT	49	Lower $	45.00[6]	181.00	. . . .	1,098.00[8]	. . . . .	7,387.60[8]
NJ	60+d.a.	Lower $	48.00	241.00 [2]	. . . .	1,620.00[8]	. . . . .	8,033.40[8]
NY	50	Nearest $	40.00	180.00	. . . .	1,600.00[8]	. . . . .	7,180.00[8]
OH	50+d.a.[1]	Lower $	42.00	157.00-248.00	. . . .	1,702.00[8]	. . . . .	6,280.00[8]
RI	60+d.a.	Lower $	43.00-53.00[6]	225.00-281.00	. . . .	1,420.00[8]	. . . . .	7,500.00[8]
VT	58[10]	Nearest $	17.00	160.00	. . . .	700.00[8]	. . . . .	6,400.00[8]
WI	50	Nearest $	38.00	200.00	. . . .	1,258.17[8]	. . . . .	6,766.17[8]

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(Footnotes for Table 304)

*Possible changes were not available at press time

1/When State uses weighted high-quarter, annual-wage or average-weekly-wage formula, approximate fractions or percentages are taken at midpoint of lowest and highest normal wage brackets. When additional payments are provided for claimants with deps., fractions and percentages shown apply to basic benefit amounts. In Ind., benefit amounts of $99-$141 are available only to claimants with 1-4 deps. and HQ and BPW in excess of those required for max. basic wba. In Ohio, benefit amounts above the max. are generally available only to claimants in dependency classes whose aww are higher than that required for max. basic benefit amount.

2/When 2 amounts are given, higher figure includes DA's. Augmented amount for min. wba includes allowance for 1 dep. child. In Ind. to claimants with HQW in excess of those required for max. basic wba. Augmented amount for max. wba includes allowances for max. number of deps.; in D.C., Md., and N.J., same max. with or without deps. In Ind. wage credits shown apply to claimants with no deps.; with max. deps., Ind. requires $3,744.18 in HQ and $5,616.27 in BP.

3/For claimant with aww in excess of $66, wba is computed at 1/52 of 2 highest quarters of earnings, or 1/26 of HQ if claimant has no more than 2 quarters of work.

4/Wba expressed in law as percent of aww in HQ: in Colo. 55% of 1/26 of 2 highest qtrs.; 49% of wages in 2 highest quarters divided by 26 in Ill.; 50% in S.C. (aww defined as 1/13 of HQW). Colo. provides an alternate method of computation for claimants who would otherwise qualify for a wba equal to 50% or more of the statewide aww if this yields a greater amount--50% of 1/52 of BPW with a max. of 60% of statewide aww in selected industries.

5/Separate benefit schedule for agricultural workers with payments, based on annual earnings, ranging between $10 and $38.

6/Min. computed annually in N.Mex. at 10%; Mont., Oreg., and Wash., 15% of aww. In Kans. min. computed annually at 25% of max. wba and Wis. semiannually at 19% of max. wba. In R.I. the flexible qualifying requirement results in a flexible min. wba.

7/Amount shown for HQW is 1/4 BPW needed to qualify for max. benefit; determination of max. benefit based on 50% of 1/52 of claimant's BPW with no specified amount of HQW required, Colo..

8/In Fla., Mich., Mont., N.J., N.Y., Ohio, R.I., and Vt., 20 x lower limits of min. and max. aww brackets; in Wis., 17 times aww. Since benefits are determined separately for each ER, some claimants with bpw less than that shown may qualify for either the min. or max. wba with respect to a given ER, Wis..

9/Or 50% of full-time weekly wage, if greater.

(Footnotes for Table 304 continued on next page)

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10/Computed as wages in the 2 highest qtrs. divided by 45 (but not more than the maximum wba), Vt..

11/Wash. computes an individual's wba as 1/25 of the average of the two highest quarters in the BP; La., as 1/25 of the average of the 2 highest quarters if an individual's HQ wages exceed $875; Ga., and Va., as 1/50 of the total wages earned in highest 2 quarters; 1/52 of total wages earned in highest 2 quarters, Ark., and N.C.; 1/65 of total wages earned in highest 2 quarters and 1/2 of total wages in third quarter, N.Dak.; Ill., as 49 percent of the claimant's wages in highest 2 quarters, divided by 26; 1/25-1/31 of 2 highest quarters, Tenn.; 1/46 of wages earned in highest 2 qtrs. if the trust fund balance is at least $90 million or as 1/52 of wages earned in 2 highest quarters if the trust fund balance is less than $90 million, Del..

12/Weekly benefit amounts of $75 or more are reduced by 5 percent, but not below $75 unless other reductions are included.

13/In Alaska the computation of an individual's wba and duration will vary depending on the distribution of wages over the BP. An individual who is paid 90% or more of his wages in the CQ will not use that quarter of wages but will have BPW determined using wages earned in the other 3 quarters, multiplied by 10. An individual who is paid less than 90% of his wages in one CQ uses all wages paid in the BP.

15/70 percent of after tax earnings up to 55 percent of State aww, 58 percent beginning January 1, 1989, Mich..

16/If the unemployment trust fund falls below $175 million the wba will be $115, Ga.; wba reflects a 7% decrease from the computed maximum of $205, La..

17/An individual will not be eligible for benefits if 65 percent or more of BP wages are earned in the HQ of the BP, Tenn.. However, wages in excess of $3,980.01 will not be considered in the computation of the 65 percent requirement.

Table 305.--Flexible Benefit Provisions, 34 States[6/]

State	Method of Computation: Annually as % of aww in covered employment in-- Preceding CY	Annually as % of aww in covered employment in-- 12 mos. ending March 31	Annually as % of aww in covered employment in-- 12 mos. ending June 30	Semiannually as % of aww in covered employment: 12 mos. ending 6 mos. before eff. date	Semiannually as % of aww in covered employment: All industries in State	Percent of State aww: Maximum	Percent of State aww: Minimum	Effective date of new amounts
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Ark.	X	. . .	. . .	. . . .	. . .	66-2/3	12	July 1
Colo.	. .	. . .	. . .	. . . .	X	55	. . . .	July 1
Conn.	. .	. . .	X	. . . .	. . .	60[1/]	. . . .	1st Sunday in Oct.
Hawaii	. .	. . .	X	. . . .	. . .	66-2/3	. . . .	Jan. 1
Idaho	X	. . .	. . .	. . . .	. . .	60	. . . .	1st Sunday in July
Ill.	X	. . .	. . .	. . . .	. . .	49[7/]	. . . .	June 1 & Dec. 1
Iowa	X	. . .	. . .	. . . .	. . .	53[4/]	. . . .	1st Sunday in July
Kans.	X	. . .	. . .	. . . .	. . .	60	25% of max. wba	July 1
Ky.	X	. . .	. . .	. . . .	. . .	55 [8/]	. . . .	July 1
La.	. .	X	. . .	. . . .	. . .	66-2/3[9/]	. . . .	Sept. 1
Maine	X	. . .	. . .	. . . .	. . .	52	. . . .	June 1
Mass.	. .	X	. . .	. . . .	. . .	57.5	. . . .	1st Sunday in Oct.
Mich.	. .	. . .	X	. . . .	. . .	55	. . . .	Jan. 1
Minn.	X	. . .	. . .	. . . .	. . .	[11/]	. . . .	July 1
Mont.	X	. . .	. . .	. . . .	. . .	60	15	July 1
Nev.	X	. . .	. . .	. . . .	. . .	50	. . . .	July 1
N.J.	X	. . .	. . .	. . . .	. . .	56-2/3	. . . .	Jan. 1
N.Mex.	. .	. . .	X	. . . .	. . .	50	10	1st Sunday in Jan.
N.C.	X	. . .	. . .	. . . .	. . .	63	. . . .	August 1
N.Dak.	X	. . .	. . .	. . . .	. . .	60		1st Sunday in July
Ohio	. .	. . .	X	. . . .	. . .	[5/]	. . . .	1st Sunday in Jan.
Okla.	X	. . .	. . .	. . . .	. . .	[11/]	. . . .	July 1
Oreg.	X	. . .	. . .	. . . .	. . .	64	15	Week of July 4
Pa.	. .	. . .	X	. . . .	. . .	66-2/3	. . . .	Jan. 1
P.R.	X	. . .	. . .	. . . .	. . .	50	. . . .	July 1
R.I.	X	. . .	. . .	. . . .	. . .	67	. . . .	July 1

(Table continued on next page)

Table 305.--Flexible Benefit Provisions, 34 States[6] (Continued)

State	Method of Computation: Annually as % of aww in covered employment in-- Preceding CY	12 mos. ending March 31	12 mos. ending June 30	Semiannually as % of aww in covered employment: 12 mos. ending 6 mos. before eff. date	All industries in State	Percent of State aww: Maximum	Minimum	Effective date of new amounts
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
S.C.	X	. . .	. . .	. . . .	. . .	66-2/3	. . . .	July 1
S.Dak.	X	. . .	. . .	. . . .	. . .	62[9]	. . . .	July 1
Vt.	X	. . .	. . .	. . . .	. . .	[5]	. . . .	1st Sunday in July
V.I.	. .	. . .	X	. . . .	. . .	50	. . . .	Jan. 1
Wash.	X	. . .	. . .	. . . .	. . .	55 [7]	15	1st Sunday in July
W.Va.	X	. . .	. . .	. . . .	. . .	70 [9]		July 1
Wis.	. .	. . .	. . .	X	. . .	66-2/3[9]	19% of max. wba[9]	Jan. 1 & July 1
Wyo.	X	. . .	. . .	. . . .	. . .	55 [12]	[12]	July 1

[1] Based on aww of production and related workers. May not be increased by more than $12 in any year.

[4] For claimants with no dependents. Other percentages ranging from 55% to 65% apply to claimants with one or more dependents.

[5] Percentage used is not specified by law. Until 1993, an additional adjustment may be made to lighten the impact of the freeze on the maximum wba in effect between 1983 and 1986, Ohio.

[6] Does not include Tex. where the max. and min. wba's will be increased by $7 and $1, respectively, effective on October 1 of any year in which the aww of manufacturing production workers exceeds by $10 the 1976 aww of those workers.

[7] For claimants with dependents, max. is limited to 66-2/3% of State's aww. Until Dec. 31, 1988, it is set at $359; until Dec. 31, 1989, at $381; until Dec. 31, 1990, at $406; and beginning January 1, 1993, it will be $350. Until January 2, 1993, max. for claimants with dependents is limited to 64% of State's aww, Ill.. Maximum will be 60% of State aww if the ratio of trust fund balance to total remuneration paid by contributing ERs is 0.024 or more, Wash..

[8] Maximum cannot increase in any year when tax schedule increases from previous year. Year to year increases limited depending on trust fund balance, Ky..

[9] The min. and max. wba's are frozen indefinitely, La. and Wis. The max. wba is frozen until July 1988, W.Va; and indefinitely in S.Dak..

[11] The greater of $197 or 60%, 57.7%, 55%, 52.5% or 50% of State aww of the second preceding CY depending on the condition of the fund, Okla.; 66-2/3%, 66%, 65%, 64%, 63%, 62%, 61% or 60% of State aww depending on the balance in the fund, Minn..

[12] Max. reduced to 85% of max. wba if trust fund revenues are insufficient to pay benefits or repay loans and the min. wba is computed at 4% of the qualifying wages in the HQ, Wyo..

Table 306.--Weekly Benefits for Partial Unemployment

State (1)	Definition of partial unemployment: week of less than full-time work if earnings are less than (2)	Earnings disregarded in computing weekly benefit for partial unemployment (3)	State (1)	Definition of partial unemployment: week of less than full-time work if earnings are less than (2)	Earnings Disregarded in computing weekly benefit for partial unemployment (3)
Ala.	wba.	$15	N.H.	wba.	1/5 of wba.
Alaska	1-1/3 x wba + $50.	3/4 wages over $50.	N.J.	wba + greater of $5 or 1/5 wba.	Greater of $5 or 1/5 wba.
Ariz.	wba.	$15	N.Mex.	wba.	1/5 wba.
Ark.	wba + 2/5 wba.	2/5 wba.	N.Y.	2/	2/
Calif.	wba.	Greater of $25 or 25% of wages.	N.C.	1/	10% of aww in 2 highest qtrs.
Colo.	wba.	1/4 wba.	N.Dak.	wba.	1/2 wba.
Conn.	1-1/2 x basic wba.	1/3 wages. 7/	Ohio	wba.	1/5 wba.
Del.	Wba + greater of $10 or 30% of wba.	Greater of $10 or 30% of wba.	Okla.	wba + $7.	$7
D.C.	Wba + $20.	1/5 wages.	Oreg.	wba.	1/3 wba. 7/
Fla.	wba.	$5	Pa.	wba + greater of $6 or 40% wba.	Greater of $6 or 40% wba.
Ga.	wba + $8.	$8	P.R.	1-1/2 x wba. 1/	wba.
Hawaii	wba.	$2	R.I.	basic wba + $5.	$5
Idaho	wba + 1/2 wba.	1/2 wba.	S.C.	wba.	1/4 wba.
Ill.	wba.	1/2 wba.	S.Dak.	wba.	25% up to wba.
Ind.	wba.	Greater of $3 or 1/5 wba from other than base-period ER's.	Tenn.	wba.	$30
Iowa	wba + $15.	1/4 wba.	Tex.	wba + greater of $5 or 1/4 wba.	Greater of $5 or 1/4 wba.
Kans.	wba.	Lesser of $47 or 25% of wba.	Utah	wba.	30% wba.
Ky.	1-1/4 x wba.	1/5 wages.	Vt.	wba + $15.	$15 + $3 per dep. up to 5.
La.	wba.	Lesser of 1/2 wba or $50.	Va.	wba.	$25
Maine	wba + $5.	$10 5/	V.I.	1-1/3 x wba + $15.	1/4 wages over $15.
Md.	Augmented wba.	$35	Wash.	1-1/3 x wba + $5.	1/4 wages over $5.
Mass.	Basic wba.	2/5 wba. 6/	W.Va.	wba + $26.	$25
Mich.	wba.	Up to 1/2 wba. 3/	Wis.	4/	33% wages over $20 4/
Minn.	wba.	Greater of $25 or 25% of wages 7/	Wyo.	Basic wba.	Greater of $15 or 1/2 wba.
Miss.	wba.	$5			
Mo.	wba + $10.	$10 7/			
Mont.	2 x wba.	1/2 wages over 1/4 wba.			
Nebr.	wba.	1/2 wba. 3/			
Nev.	wba.	1/4 wages.			

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(Footnotes for Table 306)

1/ In N.C. wk. of less than 3 customary scheduled full-time days. In P.R. wk. in which wages, or remuneration from self-employment, are less than 1-1/2 times claimant's wba or the claimant performs no service for a working period of 32 hours or more in a week.

2/ Benefits are paid at the rate of 1/4 the wba for each effective day within a wk. beginning on Monday. Effective day defined as 4th and each subsequent day of total unemployment in a wk. in which claimant earns not more than $180.

3/ Full weekly benefit is paid if earnings are less than 1/2 weekly benefit; 1/2 wba if wages are 1/2 weekly benefit but less than weekly benefit.

4/ An individual will be partially unemployed in any week he receives any wages. Also, no individual may be eligible for partial benefits if the benefit payment is less than $5.

5/ Individual separated from regular employment for more than 4 consec. wks. and employed less than 40 hours in each of 2 wks. or performing odd jobs has 50 percent of his earnings in excess of $10 deducted plus all earnings in excess of $35 per week.

6/ Not less than $10 nor more than $30.

7/ Up to $200 in earnings from service in the National Guard or military reserves and pay received for jury duty and as a volunteer firefighter or volunteer ambulance service personnel will be excluded from benefit computation, Minn.; excludes wages from service in the organized militia for training or authorized duty from benefit computation, Mo., and Oreg.; includes holiday pay in the remuneration for determining partial benefits, Conn..

Table 307.--Dependents Included Under Provisions for Dependents' Allowances, 14 States

State	Dependent child[1] under age specified	Older child[1] not able to work	Nonworking dependent				Number of dependents fixed for BY
			Wife	Husband	Parent[1]	Brother or sister	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Alaska	18 [3]	X	. . .	. . . .	. . . .	. . . .	. . . . .
Conn.	18 [6]	X [6]	X	X	. . . .	. . . .	. . . . .
D.C.	16	X	X [4]	X [4]	X [4]	X [4]	X
Ill.	18	X	X [5]	X [5]	. . . .	. . . .	. . . . .
Ind.	23 [3]	X	X [5]	X [5]	. . . .	. . . .	X
Iowa	18	X	X [5]	X [5]	X [4]	X [4]	X
Maine	18	X	[5]	[5]	. . . .	. . . .	. . . . .
Md.	16	. . . .	. . .	. . . .	. . . .	. . . .	X
Mass.[2]	18 [3]	X	. . .	. . . .	. . . .	. . . .	X
Mich.	18 [3]	X	X	X	X [4]	X [4]	X
N.J.	19 [3]	X	X	X	. . . .	. . . .	X
Ohio	18	X	X [5]	X [5]	. . . .	. . . .	X
Pa.	18	X	X	X	. . . .	. . . .	X
R.I.	18	X	. . .	. . . .	. . . .	. . . .	X

[1] Includes stepchild by statute in all States except Maine and Mass.; adopted child by statute, Alaska, Ill., Ind., Maine, Md., Mich., N.J., Ohio, R.I.; and by interpretation, Mass.; full-time student, Conn., Maine, Mich., Mass., and N.J.. Parent includes stepparent, D.C.; legal parent, Mich..

[2] Only dependents residing within the U.S., its Territories and possessions.

[3] Child must be unmarried, Alaska, N.J. and, by interpretation, Mass.; must have received more than half the cost of support from claimant or be lawfully in the individual's custody at the time the individual claims the allowance, Alaska; must have received more than half the cost of support from claimant for at least 90 consec. days or for the duration of the parental relationship, Ind., Mich., and Ohio.

[4] Not able to work because of age or physical disability or physical or mental infirmity. In Mich. parents over age 65 or permanently disabled for gainful employment, brother or sister under 18, orphaned or whose living parents are dependents.

[5] Spouse must be currently ineligible for benefits in the State because of insufficient BP wages, Ill. and Ind.; may not be claimed as dependent if average weekly income is in excess of 25% of the claimant's aww or $30, Ohio. No dependency allowances paid for any week in which spouse is employed full time and is contributing to support of dependents, Maine. No dependency allowance paid for any week in which spouse earns more than $120 in gross wages, Iowa.

[6] Federal District Court has held that the term "children" includes any child for whom a claimant stands in place of the parents (Vaccarella v. Commr.).

Table 308.--Allowances for Dependents, 14 States

State	Weekly allowance per dependent	Limitation on weekly allowances	Minimum weekly benefit		Maximum weekly benefit		Full allowance for week of partial benefits	Maximum potential benefits	
			Basic benefit	Maximum allowance	Basic benefit	Maximum allowance		Without dependents	With dependents
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Alaska	$24	$72	$38	$72	$188	$72	Yes	$4,888	$6,760 1/
Conn.	$10	1/2 wba	15	7	216	50	Yes	5,616	6,916
D.C.	$5 2/	$20 2/	26	3	250	0 2/	Yes	6,500	6,500 2/
Ill.	$1-$23	$7-$54	50	15	176	54	Yes	4,576	5,980
Ind.	$1-$18 3/	Schedule $1-$65 3/	40	0 3/	96	65 3/	No 4/	2,496	4,186
Iowa	$1-$16	Schedule $1-$37	25	5	167	37	Yes	4,342	5,330
Maine	$5	1/2 wba	28	14	161	80	Yes	4,186	6,266
Md.	$6	$24 2/	25	24	195	0 2/	Yes 5/	5,070	5,070 2/
Mass.	$25	1/2 wba	14	7	236	118	Yes	7,080	10,620
Mich.	7/	7/	58	7/	229	7/	. . .	5,954	5,954
N.J.	$1-$11	2/	48	7	241	0 2/	Yes	6,266	6,266 2/
Ohio	$1-81 6/	$91 6/	42	0	157	91	Yes	4,082	6,448
Pa.	$5 6/	$8	35	8	252	8	Yes 5/	6,552	6,760
R.I.	8/	8/	39	8/	225	56	Yes	5,850	7,306 1/

1/ Assuming max. wks. for total unemployment; wks. of partial unemployment could increase this amount because full allowance is paid for each wk. of partial unemployment.

2/ Same max. wba with or without dep. allowances. Claimants at lower wba may have benefits increased by dep. allowances.

3/ Limited to claimants with HQW in excess of $2,232 and 1-4 dep., Ind.. See text for details.

4/ Dep. allowances considered as part of wba. See Table 306 for weekly benefits for partial unemployment.

5/ Not more than 26 payments for dep. may be made in any one BY.

6/ Benefits paid to claimants with dep. are determined by schedule according to the aww and dependency class, Ohio. See text for details. Pa. provides $3 for one other dependent.

7/ In Mich. the wba is based on an average after tax weekly wage and tax tables which take into account the number of dependents.

8/ The greater of $10 or 5 percent of the individual's benefit rate per dependent, up to 5 dependents.

Table 309.--Duration of Benefits in a Benefit Year

State	Proportion of BPW credits or weeks of employment[1]	Minimum potential benefits[2][3]		Maximum potential benefits[3]			
		Amount	Weeks	Amount[4]	Weeks	Wage credits required	
						High quarter	Base period
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Uniform potential duration for all eligible claimants							
Conn.		$ 390.00[3]	26[3]	$5,616.00-$6,916.00	26[3]	$5,616.00	$8,640.00[10]
Hawaii		130.00[3]	26[3]	5,798.00[3]	26[3]	5,550.01	6,690.00
Ill.		1,600.00	26[13]	4,576.00-5,980.00	26[13]	4,660.50	9,321.00
Md.		650.00	26	5,070.00[4]	26	4,656.01	7,020.00
N.H.		1,014.00	26	4,056.00	26	[6]	23,500.00
N.Y.		1,040.00	26	4,680.00	26	[7]	7,180.00[2][7]
P.R.		140.00[3]	20[3]	2,200.00	20[3]	2,834.00	4,400.00
Vt.		442.00	26	4,160.00	26	[7]	6,400.00[7]
W.Va.		624.00	26	5,850.00	26	[6]	21,250.00
Maximum potential duration varying with wage credits or weeks of employment							
Ala.	1/3	$ 258.00	11+	$3,120.00	26	$2,868.01	$9,358.51
Alaska	[1]	608.00	16[3]	4,888.00-6,760.00	26[3]	[6]	19,750.00
Ariz.	1/3	500.00	12+	3,510.00	26	3,362.50	10,528.51
Ark.	1/3	360.00	10	5,304.00	26	5,304.00	15,912.00
Calif.	1/2	375.00[3]	12+[3]	4,316.00[3]	26[3]	5,533.00	8,630.01
Colo.	1/3 [8]	333.33	8+-13	5,538.00	26	5,538.00[5]	22,152.00[5]
Del.	1/2	220.00	18	5,330.00	26	[6]	15,990.00
D.C.	1/2	450.00	17	6,500.00[4]	26	5,750.00	13,000.00
Fla.	1/2 week of employment.	100.00	10	5,200.00	26	[7]	20,800.00[7]
Ga.	1/4	462.50	12+	4,030.00	26	5,166.67	16,118.01
Idaho	[1]	440.00	10	4,888.00	26	4,888.00	15,886.00
Ind.	1/4 [8]	375.00	9+	2,496.00-4,186.00	26	2,496.00[9][10]	9,984.00[10]
Iowa	1/3 [11]	290.00	11+	4,342.00-5,330.00	26	3,841.00	13,026.00
Kans.	1/3	510.00	10	5,304.00	26	4,800.00	15,912.00
Ky.	1/3	330.00	15	3,926.00	26	[6]	12,700.42
La.	27 percent	120.00	12	5,330.00	26	5,112.50	19,738.89

(Table continued on next page)

Table 309.--Duration of Benefits in a Benefit Year (Continued)

State	Proportion of BPW credits or weeks of employment[1]	Minimum potential benefits[2][3]		Maximum potential benefits[3]			
		Amount	Weeks	Amount[4]	Weeks	Wage credits required	
						High quarter	Base period
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Maine	1/3	$ 728.00	11+-22[1]	$ 4,186.00-6,266.00	26	$3,542.00	$12,558.00
Mass.	36 percent	432.00	10+-30	7,080.00-10,620.00	30	6,136.00	19,666.66
Mich.	3/4 week of employment	825.00	15	5,954.00	26	[7]	15,186.85[7]
Minn.	1/3	380.00	10+	6,500.00	26	6,500.00	19,500.00
Miss.	1/3	400.00	13+	3,380.00	26	3,380.00	10,140.00
Mo.	1/3 [8]	250.00	11+	3,640.00	26	3,111.12	10,920.00
Mont.	[1]	360.00	8	4,706.00	26	[7]	15,606.30[1][7]
Nebr.	1/3	400.00	20	3,484.00	26	3,250.00	10,449.01
Nev.	1/3	200.00	12+	4,602.00	26	4,425.00	13,806.00
N.J.	3/4 week of employment	675.00	15	6,266.00[4]	26	[7]	14,058.45[7]
N.Mex.	3/5	618.55	19+	4,108.00	26	4,108.00	6,846.66
N.C.	[1]	390.00	13-26[2]	5,304.00	26	5,304.00	15,912.00
N.Dak.	[1]	516.00	12	4,654.00	26	4,654.00	14,892.80[1]
Ohio	20 x wba + wba for each credit wk. in excess of 20	840.00	20	4,082.00-6,448.00	26	[7]	8,164.00[7]
Okla.	40% of taxable wage [13]	333.00	20+[12]	3,640.00	26[12]	4,925.00	9,100.00
Oreg.	1/3	333.33	6+	5,772.00	26	[6]	17,760.00
Pa.	[14]	560.00	16	6,552.00-6,760.00	26	6,238.00	10,000.00
R.I.	3/5 week of employment	444.00	12	5,850.00-7,306.00	26	[7]	15,750.00[7]
S.C.	1/3	300.00	15	3,432.00	26	3,432.00	10,296.00
S.Dak.	1/3	522.67	18+	3,640.00	26	3,640.00	10,917.01
Tenn.	1/4	365.75	12	3,770.00	26	4,780.01	15,080.00
Tex.	27 percent	452.22	13+	5,460.00	26	1,942.50	20,222.22
Utah	27 percent	130.00	10	5,252.00	26	5,252.00	19,451.85
Va.	1/3	696.00	12	4,342.00	26	4,175.01	16,700.01
V.I.	1/3	429.00	14+	3,588.00	26	3,588.00	10,764.00

(Table continued on next page)

Table 309.--Duration of Benefits in a Benefit Year (Continued)

State	Proportion of BPW credits or weeks of employment[1]	Minimum potential benefits [2][3]		Maximum potential benefits[3]			
		Amount	Weeks	Amount[4]	Weeks	Wage credits required	
						High quarter	Base period
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Wash.	1/3	$1,650.00	16+-30	$6,150.00	30	$5,125.00	$18,450.00
Wis.	8/10 week of employment up to 33.	$38.00-532.00	1-14+[2]	5,200.00	26	[7]	13,134.33[7]
Wyo.	3/10	432.00	12-26[2]	5,148.00	26	4,925.00	17,156.67

[1] In States with weighted tables percent of benefits figures at bottom of lowest end of highest wage brackets; in States noted, percentage at other brackets are higher and/or lower than percentage shown. In Alaska, Idaho, Mont., and N.Dak. duration based on ratio of annual wages to HQW--from less than 1.49 to 3.5 or more in Alaska, from 1.25-3.25 in Idaho, from less than 1.25 to 3.25 in Mont., and from 1.5-3.2 in N.Dak.. In N.C. duration is based on ratio of BPW to HQW multiplied by 8.

[2] Potential benefits for claimants with min. qualifying wages. Min. wks. apply to claimants with min. weekly benefit and min. qualifying wages. In States noted, the min. duration varies according to distribution of wages within BP; longer duration applies with min. wba and the shorter duration applies with max. possible concentration of wages in HQ (which results in a wba higher than the min.). Wis. determines entitlement separately for each ER. Lower end of range applies to claimants with only 1 wk. of work at qualifying wage; upper end to claimants with 15 or more wks. of such wages.

[3] Benefits extended under State program when unemployment in State reaches specified levels--Alaska, and Calif. by 50%, Conn. by 13 wks. In Hawaii benefits extended by 13 wks. when a manmade or disaster causes damage to either the State as a whole or any of its counties and creates an unemployment problem involving a substantial number of persons and families. In P.R. benefits extended by 32 wks. in certain industries, occupations or establishments when special unemployment situation exists. Benefits also may be extended in all States, on a State basis, during periods of high unemployment by 50%, up to 13 wks., under the Federal-State Extended Unemployment Compensation Program.

[4] When 2 amounts are given, higher includes DA. In the D.C., Md., and N.J., same max. with or without deps.

[5] Amount shown for HQW is 1/4 BPW needed to qualify for max. benefits; determination of max. benefit based on 50% of 1/52 of claimant's BPW with no specified amount of HQW required.

(Footnotes continued on next page)

(Footnotes for Table 309 continued)

6/ Annual-wage formula; no required amount of wages in HQ.

7/ No required number of wks. of employment or amount of wages in HQ. Figures given are based on highest aww for claimants without deps.: $400.00 in Fla.; $433.91 in Mich. (for claimants with deps., $161.67 to $225.01, depending on number of deps.); $369.38 in Mont.; $401.67 in N.J.; $359.00 in N.Y.; $314.00 in Ohio (for claimants with deps., $476.00 to $496.00 based on number of deps.); $375.00 in R.I.; $320.00 in Vt.; and $398.01 in Wis.. Base-period figure is 52 wks. in Fla.; 35 wks. (34 if all wage credits earned with 1 ER) in Mich.; max. amt. of weekly wages to qualify x 13 wks. x 3.25 in Mont.; 35 wks. in N.J.; 20 wks. in N.Y and Vt.; 26 wks. in Ohio; 33 wks. in Wis.; and 42 wks. in R.I., for max. duration.

8/ Only specified amount of wages per quarter may be used for computing duration of benefits: 26 x the max. wba in Colo.; $4,186 in Ind.; 26 x claimant's wba in Mo..

9/ Amount shown is 1/4 of BPW. To obtain max. potential annual benefits, claimant must have more than 4 x HQW necessary for max. weekly benefits.

10/ In Conn. claimant with max. augmented benefit needs $10,640 in BPW; in Ind., such claimants need HQW of $4,186 and BPW of $16,744; and the duration shall be no greater than the number of wks. worked in the BP, Okla..

11/ If laid off due to ER going out of business, 1/2 of wages in BP, up to 39 wks.

12/ Duration can be much less than 26 weeks for claimants with only one BP ER, Okla..

13/ Claimants are eligible for the lesser of 26 wks. of benefits or their total BP wages, Ill.; or 40% of the total wages in the BP, Okla..

14/ An individual who has at least 18 credit wks. in BP is eligible for 26 wks. of benefits. An individual who has at least 16 credit wks. in the BP is eligible for 16 wks. of benefits. A credit week is one in which the claimant earned at least $50.

400. ELIGIBILITY FOR BENEFITS AND DISQUALIFICATION FROM BENEFITS

The Federal law contains few requirements concerning eligibility and disqualification provisions. See sections 440 and 450. Each State establishes its requirements which an unemployed worker must meet to receive unemployment insurance. All State laws provide that, to receive benefits, a claimant must be able to work and must be available for work; i.e., he must be in the labor force, and his unemployment must be caused by lack of work. Also he must be free from disqualification for such acts as voluntary leaving without good cause, discharge for misconduct connected with the work, and refusal of suitable work. These eligibility and disqualification provisions delineate the risk which the laws cover: the able-and-available tests as positive conditions for the receipt of benefits week by week, and the disqualifications as a negative expression of conditions under which benefits are denied. The purpose of these provisions is to limit payments to workers unemployed primarily as a result of economic causes. The eligibility and disqualification provisions apply only to claimants who meet the qualifying wage and employment requirements discussed in section 310.

In all States, claimants who are held ineligible for benefits because of inability to work, unavailability for work, or disqualification are entitled to a notice of determination and an appeal from the determination.

405 Ability To Work

Only minor variations exist in State laws setting forth the requirements concerning ability to work. A few States do specify that a claimant must be physically able or mentally and physically able to work. One evidence of ability to work is the filing of claims and registration for work at a public employment office, required under all State laws. Missouri goes one step further requiring, by law, every individual receiving benefits to report to the nearest office in person at least once every 4 weeks.

Several States (Table 400) have added a proviso that no claimant who has filed a claim and has registered for work shall be considered ineligible during an uninterrupted period of unemployment because of illness or disability, so long as no work, which is suitable but for the disability, is offered and refused. In Massachusetts the period during which benefits will be paid is limited to 3 weeks and in Alaska 6 consecutive weeks. These provisions are not to be confused with the special programs in six States for temporary disability benefits (ch. 600).

410 Availability for Work

Available for work is often translated to mean being ready, willing, and able to work. Meeting the requirement of registration for work at a public employment office is considered as some evidence of availability. Nonavailability may be evidenced by substantial restrictions upon the kind or conditions of otherwise suitable work that a claimant can or will accept, or by his refusal of a referral to suitable work made by the employment service or of an offer of suitable work made by an employer. A determination that a claimant is unable to work or is unavailable for work applies to the time at which he is giving notice of unemployment or for the period for which he is claiming benefits.

ELIGIBILITY

The availability-for-work provisions have become more varied than the ability-to-work provisions. Some States provide that a claimant must be available for suitable work; others incorporate the concept of suitability for the individual claimant in terms of work in his usual occupation or for which he is reasonably fitted by training and experience (Table 400). Delaware requires an involuntarily retired worker to be available only for work which is suitable for an individual of his age or physical condition. Alabama, Alaska, Arkansas, California, Colorado, Maine, Maryland, Minnesota, New Jersey and New York specify that an individual who is otherwise eligible for benefits will not be deemed unavailable solely because he is serving on a jury.

Georgia and West Virginia specify the conditions under which individuals on vacation are deemed unavailable or unemployed, and Georgia limits to 2 weeks in any calendar year the period of unavailability of individuals who are not paid while on a vacation provided in an employment contract or by employer-established custom or policy. Mississippi considers an individual unavailable for work during a holiday or vacation period. North Carolina considers as unavailable a claimant whose unemployment is found to be caused by a vacation for a period of 2 weeks or less in a calendar year.

In Nebraska and New Jersey no claimant is deemed unavailable for work solely because he is on vacation without pay if the vacation is not the result of his own action as distinguished from any collective bargaining or other action beyond his individual control. Under New York law an agreement by an individual or his union or representative to a shutdown for vacation purposes is not of itself considered a withdrawal from the labor market or unavailability during the time of such vacation shutdown. Other provisions relating to eligibility during vacation periods--although not specifically stated in terms of availability--are made in Virginia, where an individual is eligible for benefits only if he is found not to be on a bona fide vacation, and in Washington, where it is specifically provided that a cessation of operations by an employer for the purpose of granting vacations shall not be construed to be a voluntary quit or voluntary unemployment. Tennessee does not deny benefits during unemployment caused by a plant shutdown for vacation, providing the individual does not receive vacation pay. However, an individual who receives regular wages for a vacation under terms of a labor-management agreement will have his weekly benefit amount reduced by the amount of the wages received, but only if work will be available for the individual with the employer at the end of the vacation period.

Alabama, Michigan, Ohio, and South Carolina require that a claimant be available for work in a locality where his base-period wages were earned or in a locality where similar work is available or where suitable work is normally performed. Illinois considers an individual to be unavailable if, after separation from his most recent work, he moves to and remains in a locality where opportunities for work are substantially less favorable than those in the locality he left. Arizona requires that an individual be, at the time he files a claim, a resident of Arizona or of another State or foreign country that has entered into reciprocal arrangements with the State. Oregon and Virginia consider an individual unavailable for work if he leaves his normal labor market area for the major portion of a week unless the claimant can establish that he conducted a bona fide search for work in the labor market area where he spent the major part of the week.

Michigan, New Hampshire, and West Virginia require that a claimant be available for full-time work. In Wisconsin--where a claimant may be required at any time to seek work and to supply evidence of such search--the inability and unavailability provisions are in terms of weeks for which he is called upon by his current employer to return to work that is actually suitable and in terms of weeks of inability to work or unavailability for work, if his separation was caused by his inability to do his work or his unavailability for work. Oklahoma's law requires an individual to be able to work and available for work and states also that mere registration and reporting at a local employment office is not conclusive evidence of ability to work, availability for work or willingness to work. In addition, the law requires, where appropriate, an active search for work. Pennsylvania considers a claimant ineligible for benefits for any week in which his unemployment is due to failure to accept an offer of suitable full-time work in order to pursue seasonal or part-time work.

415 Actively Seeking Work

In addition to registration for work at a local employment office, most State laws require that a claimant be actively seeking work or making a reasonable effort to obtain work. Tennessee requires an individual to make a reasonable effort to secure work and defines reasonable effort.

The Oregon requirement is in terms of "actively seeking and unable to obtain suitable work." In Oklahoma, Vermont, Washington, and Wisconsin, the provision is not mandatory; the agency may require that the claimant, in addition to registering for work, make other efforts to obtain suitable work and give evidence of such efforts. In Wisconsin, however, an active search is required if the claimant is self-employed or if the claim is based on employment for a corporation substantially controlled by the claimant or his family. Michigan permits the Commission to waive the requirement that an individual must seek work, except in circumstances specified in the law, where it finds that suitable work is unavailable both in the locality where the individual resides and in those localities in which he has earned base-period credit weeks. The Maryland, New Jersey, and Virginia laws permit the director to modify the active search-for-work requirement when, in his judgment, such modification is warranted by economic conditions. Delaware law permits the Director to waive the able to work, available for work and actively seeking work requirements when those requirements would be oppressive or inconsistent with the purpose of the law.

420 Availability During Training

Special provisions relating to the availability of trainees and to the unavailability of students are included in many State laws. The student provisions are discussed in section 450.02.

The FUTA requires, as a condition for employers in a State to receive normal tax credit, that all State laws provide that compensation shall not be denied to an otherwise eligible individual for any week during which he is attending a training course with the approval of the State agency. Also, all State laws must provide that trade allowances not be denied to an otherwise eligible individual for any week during which he is in training approved under the Trade Act of 1974, because of leaving unsuitable employment to enter such training. In addition, the State law must provide that individuals in training not be held ineligible or disqualified for being unavailable for work, for failing to make an active search for work, or for failing to accept an offer of, or for refusal of, suitable work.

Prior to the enactment of the Federal law, more than half the States had provisions in their laws for the payment of benefits to individuals taking training or retraining courses. The requirement of the Federal law does not extend to the criteria that States must use in approving training. Although some State laws have set forth the standards to be used, many do not specify the types of training that are approvable. Generally, approved training is limited to vocational or basic education training, thereby excluding regularly enrolled students from collecting benefits under the approved training provision.

Massachusetts and Michigan, in addition to providing regular benefits while the claimant attends an industrial retraining or other vocational training course, provide extended benefits equal to 18 times the trainee's weekly benefits rate (sec. 335.03). California pays benefits under the State extended benefits program to claimants during periods of retraining (sec. 335.07).

While in almost all States the participation of claimants in approved training courses is voluntary, in the District of Columbia, Idaho, Missouri, and Washington an individual may be required to accept such training.

425 Disqualification From Benefits

The major causes for disqualification from benefits are voluntary separation from work, discharge for misconduct, refusal of suitable work, and unemployment resulting from a labor dispute. The disqualifications imposed for these causes vary considerably among the States. They may include one or a combination of the following: a postponement of benefits for some prescribed period, ordinarily in addition to the waiting period required of all claimants; a cancellation of benefit rights; or a reduction of benefits otherwise payable. Unlike the status of unavailability for work or inability to work, which is terminated as soon as the condition changes, disqualification means that benefits are denied for a definite period specified in the law, or set by the administrative agency within time limits specified in the law, or for the duration of the period of unemployment.

The disqualification period is usually for the week of the disqualifying act and a specified number of consecutive calendar weeks following. Exceptions in which the weeks must be weeks following registration for work or meeting some other requirement are noted in Tables 401, 402, 403 and 404. The theory of a specified period of disqualification is that, after a time, the reason for a worker's continued unemployment is more the general conditions of the labor market than his disqualifying act. The time for which the disqualifying act is considered the reason for a worker's unemployment varies among the States and among the causes of disqualification. It varies from 5 weeks, in addition to the week of occurrence, in Alaska to 7-10 weeks, in addition to week of occurrence, in Nebraska.

A number of States have a different theory for the period of disqualification. They disqualify for the duration of the unemployment or longer by requiring a specified amount of work or wages to requalify or, in the case of misconduct connected with the work, by canceling a disqualified worker's wage credits. The provisions will be discussed in consideration of the disqualifications for each cause.

In less than half the States are the disqualifications imposed for all three major causes--voluntary leaving, discharge for misconduct, and refusal of suitable work--the same. This is partially because the 1970 amendments to the Federal law prohibited the denial of benefits by reason of cancellation of wage credits except for misconduct in connection with the work, fraud in connection with a claim, or receipt of disqualifying income. As may be expected, therefore, discharge for misconduct is most often the cause with the heaviest penalty.

The provisions for postponement of benefits and cancellation of benefits must be considered together to understand the full effect of disqualification. Disqualification for the duration of the unemployment may be a slight or a severe penalty for an individual claimant, depending upon the duration of his unemployment which, in turn, depends largely upon the general condition of the labor market. When cancellation of the benefit rights based on the work left is added, the severity of the disqualification depends mainly upon the duration of the work left and the presence or absence of other wage credits. Disqualification for the duration of the unemployment and cancellation of all prior wage credits tend to put the claimant out of the system. If the wage credits canceled extend beyond the base period for the current benefit year, cancellation extends into a second benefit year immediately following.

In Colorado and Michigan, where cancellation of wage credits may deny all benefits for the remainder of the benefit year, the claimant may become eligible again for benefits without waiting for his benefit year to expire. See Table 300, footnote 5, for provisions for cancellation of the current benefit year. Although this provision permits a claimant to establish a new benefit year and draw benefits sooner than he otherwise could, he would be eligible in the new benefit year generally for a lower weekly benefit amount or shorter duration, or both, because part of the earnings in the period covered by the new base period would already have been canceled or used for computing benefits in the canceled benefit year.

430 Disqualification for Voluntarily Leaving Work

In a system of benefits designed to compensate wage loss due to lack of work, voluntarily leaving work without good cause is an obvious reason for disqualification from benefits. All States have such a disqualification provision.

In most States disqualification is based on the circumstances of separation from the most recent employment. Laws of these States condition the disqualification in such terms as "has left his most recent work voluntarily without good cause" or provide that the individual will be disqualified for the week in which he has left work voluntarily without good cause, if so found by the commission, and for the specified number of weeks which immediately follow such week. Most States with the latter provision interpret it so that any bona fide employment in the period specified terminates the disqualification, but some States interpret the provision to continue the disqualification until the end of the period specified, regardless of intervening employment.

In a few States the agency looks to the causes of all separations within a specified period (Table 401, footnote 4). Michigan and Wisconsin, which compute benefits separately for each employer to be charged, consider the reason for separation from each employer when his account becomes chargeable.

430.01 GOOD CAUSE FOR VOLUNTARY LEAVING.--In all States a worker who leaves his work voluntarily must have good cause (in Connecticut, sufficient cause; in Ohio, just cause; and in Maryland, Pennsylvania, and Texas, cause of a necessitous and compelling nature) if he is not to be disqualified.

In some States good cause for leaving work appears in the law as a general term, not explicitly restricted to good cause related to the employment, thus permitting interpretation to include good personal cause. However, in a few of these States, it has been interpreted in the restrictive sense.

Several States also specify various circumstances relating to work separations that, by statute, require a determination that the worker left with good cause. Arizona and Connecticut do not disqualify an individual for voluntary leaving because of transportation difficulties. California and Kansas do not disqualify an individual for voluntary leaving if he left work to accompany his spouse to a place from which it is impractical to commute.

California specifies that a worker left his job with good cause if his employer deprived him of equal employment opportunities not based on bona fide occupational qualifications. Kansas does not disqualify an individual for voluntary leaving if the individual was instructed or requested to perform a service or commit an act in the course of duties which is in violation of an ordinance or statute. Also, Kansas does not disqualify an individual for voluntary leaving due to hazardous working conditions.

Kentucky does not disqualify an individual for voluntary leaving if he is separated due to a labor management contract or agreement or an established employer plan, program or policy that permits the employer to close the plant or facility for vacation or maintenance. Also, Kentucky does not disqualify an individual for voluntary leaving to return to work with his usual employer, or to avoid layoff by accepting other work, or for leaving work which was concurrent with the most recent work, or for leaving work that was 100 miles (one-way) from home to accept work less than 100 miles away, or if left part-time work to accept the most recent suitable work.

New York does not disqualify an individual for voluntary leaving if under a collective bargaining agreement or written employer plan he exercises his option to be separated, with the employer's consent for a temporary period when there is a temporary layoff because of lack of work. Minnesota, Oklahoma, Pennsylvania and Tennessee specify that an individual shall not be denied benefits for voluntarily leaving if he exercises his option of accepting a layoff pursuant to a union contract, or an established employer plan, program or policy. Also in Minnesota an individual will not be disqualified if separated due to collective bargaining agreement by which an individual has vested discretionary authority in another to act on behalf of the individual. Also, in Tennessee if the separation was due to a recall agreement that permits the employee to accept a separation from employment the disqualification will not apply. Oregon does not disqualify an individual for voluntary leaving if he ceases to work or fails to accept work when a collective bargaining agreement between his bargaining unit and his employer is in effect and the employer unilaterally modifies the amount of wages payable under the agreement, in breach of the agreement.

Louisiana does not apply the voluntary leaving disqualification if an individual left part-time or interim employment in order to protect full-time or regular employment. In Wisconsin the disqualification will not be applied to a claimant who leaves part-time work if the weekly wages from the part-time work are less than the claimant's weekly benefit amount based on work other than the part-time work.

Minnesota does not apply the voluntary quit disqualification if claimant left employment because of its temporary nature or inability to pass a test or to meet work performance requirements. New York provides that voluntary leaving is not in itself disqualifying if circumstances developed in the course of employment that would have justified the claimant in refusing such employment in the first place.

Michigan does not disqualify an individual for voluntary leaving if he left unsuitable work within 60 days after beginning the work. New Hampshire allows benefits if an individual, not under disqualification, accepts work that would not have been suitable and terminates such employment within 4 weeks. North Dakota does not apply the voluntary leaving disqualification if an individual accepted work which could have been refused with good cause and terminated the employment with the same good cause within the first 10 weeks after starting work. Wisconsin does not apply the voluntary leaving disqualification if the individual accepted work which could have been refused because of the labor standards provisions and terminated the work within 10 weeks of starting the work.

Wisconsin will not apply the voluntary quit disqualification if an individual left to accept a job and worked at least 4 weeks and was paid an average weekly wage at least equal to the wages in the terminated employment, or if the hours of work are the same or greater, or was offered the opportunity for longer term employment, or if the position duties were closer to the individual's home than the terminated employment.

California and Iowa do not disqualify an individual who elected to be laid off in place of an employee with less seniority. Illinois does not apply the voluntary quit disqualification if the individual left in lieu of accepting a transfer that would cause another employee to be bumped, or if the individual accepted work after separation from other work and the work he left voluntarily would be deemed unsuitable. See table 401.1 for the most common exceptions to the disqualification for voluntary leaving.

In many States (Table 401.1) good cause is specifically restricted to good cause connected with the work or attributable to the employer, or, in West Virginia, involving fault on the part of the employer. Louisiana disqualifies persons who left work and does not specify voluntary leaving. Most of these States modify, in one or more respects, the requirement that the claimant be disqualified if the separation was without good cause attributable to the employer or to the employment.

430.02 PERIOD OF DISQUALIFICATION.--In two States the disqualification for voluntary leaving is a fixed number of weeks; the longest period in any one of these States is 10 weeks (Table 401). Other States have a variable disqualification; the maximum period under these provisions is 10 weeks in Nebraska. In the remaining States the disqualification is for the duration of the individual's unemployment--in most of these States, until the claimant is again employed and earns a specified amount of wages.

430.03 REDUCTION OF BENEFIT RIGHTS.--In some States, in addition to the postponement of benefits, benefit rights are reduced, usually equal in extent to the weeks of benefit postponement imposed. See Table 401.

430.04 RELATION TO AVAILABILITY PROVISIONS.--A claimant who is not disqualified for leaving work voluntarily with good cause is not necessarily eligible to receive benefits. If the claimant left because of illness or to take care of illness in the family, such claimant may not be able to work or be available for work. In most States the ineligibility for benefits would extend only until the individual was able to work or was available for work, rather than for the fixed period of disqualification for voluntary leaving.

435 Discharge for Misconduct Connected With the Work

The provisions for disqualification for discharge for misconduct follow a pattern similar but not identical to that for voluntary leaving. There is more tendency to provide disqualification for a variable number of weeks "according to the seriousness of the misconduct." In addition, many States provide for heavier disqualification in the case of discharge for a dishonest or a criminal act, or other acts of aggravated misconduct.

Some of the State laws define misconduct in the law in such terms as "willful misconduct" (Connecticut and Pennsylvania); "deliberate misconduct in willful disregard of the employing unit's interest" (Massachusetts and South Dakota); "failure to obey orders, rules or instructions or the failure to discharge the duties for which he was employed" (Georgia); and a violation of duty "reasonably owed the employer as a condition of employment" (Kansas). Kentucky provides that "legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct." Connecticut, on the other hand, includes as misconduct participation in an illegal strike as determined under State or Federal laws. Texas defines misconduct to include any action that places others in danger or an intentional violation of employer policy or law, but does not include an act that responds to an unconscionable act of the employer. Detailed interpretations of what constitutes misconduct have been developed in each State's benefit decisions.

Disqualification for discharge for misconduct, as that for voluntary leaving, is usually based on the circumstances of separation from the most recent employment. However, as indicated in Table 402, footnote 3, in a few States the statute requires consideration of the reasons for separation from employment other than the most recent. The disqualification is applicable to any separation within the base period for a felony or dishonesty in connection with the work in Ohio, and for a felony in connection with the work in New York.

435.01 PERIOD OF DISQUALIFICATION.--Eight States have a variable disqualification for discharge for misconduct (Table 402). In some the range is small, e.g., the week of occurrence plus 3 to 7 weeks in Alabama; in other States the range is large, e.g., 5 to 26 weeks in South Carolina. Some States provide flat disqualification, and others disqualify for the duration of the unemployment or longer. Florida provides two periods of disqualification. Some States reduce or cancel all of the claimant's benefit rights.

Some States provide for disqualification for disciplinary suspensions as well as for discharge for misconduct. A few States provide the same disqualification for both causes (Table 402, footnote 1). In the other States the disqualification differs as indicated in Table 402, footnote 7.

435.02 DISQUALIFICATION FOR GROSS MISCONDUCT.--Some States provide heavier disqualification for what may be called gross misconduct. These disqualifications are shown in Table 403. In a few of the States, the disqualification runs for 1 year; in other States, for the duration of the individual's unemployment; and in most of the States, wage credits are canceled in whole or in part, on a mandatory or optional basis.

The conditions specified for imposing the disqualification for discharge for gross misconduct are in such terms as: discharge for dishonesty or an act constituting a crime or a felony in connection with the claimant's work, if such claimant is convicted or signs a statement admitting the act (Florida, Illinois, Indiana, Nevada, New York, Oregon, Utah and Washington); conviction of a felony or misdemeanor in connection with the work (Maine); discharge for a dishonest or criminal act in connection with the work (Alabama); gross or aggravated misconduct connected with the work (Missouri and South Carolina); deliberate and willful disregard of standards of behavior showing gross indifference to the employer's interests (Maryland); discharge for dishonesty, intoxication, or willful violation of safety rules (Arkansas); gross, flagrant, willful, or unlawful misconduct (Nebraska); assault, theft or sabotage (Michigan); misconduct that has impaired the rights, property, or reputation of a base-period employer (Louisiana); assault, battery, destruction of property, theft or arson, sabotage or embezzlement, or abuse of a patient or resident of a health care facility, (Minnesota); assault, bodily injury, property loss or damage amounting to $2,000, theft, sabotage, embezzlement or falsification of employer's records (Georgia); conduct evincing extreme, willful, or wanton misconduct (Kansas); a deliberate act or negligence or carelessness of such a degree as to manifest culpability, wrongful intent or evil design (Colorado); and discharge for arson, sabotage, felony, or dishonesty connected with the work (New Hampshire). An additional disqualification is provided in New Hampshire (Table 403, footnote 3). Only Maryland includes a disciplinary suspension in the definition of gross misconduct.

440 Disqualification for a Refusal of Suitable Work

Disqualification for a refusal of work is provided in all State laws, with diverse provisions concerning the extent of the disqualification imposed, smaller difference in the factors to be considered in determining whether work is suitable or the worker has good cause for refusing it; and practically identical statements concerning the conditions under which new work may be refused without disqualification. To protect labor standards, the Federal Unemployment Tax Act provides that no State law will be approved, so that employers may credit their State contributions against the Federal tax, unless the State law provides that--

> Compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

440.01 CRITERIA FOR SUITABLE WORK.--In addition to the mandatory minimum standards, most State laws list certain criteria by which the suitability of a work offer is to be tested. The usual criteria are the degree of risk to a claimant's health, safety, and morals; the physical fitness and prior training, experience, and earnings; the length of unemployment, and prospects for securing local work in a customary occupation; and the distance of the available work from the claimant's residence.

These criteria are modified in some States to include other stipulations, for example: in Alabama and West Virginia, that no work is unsuitable because of distance if it is in substantially the same locality as the last regular employment which the claimant left voluntarily without good cause connected with the employment; in Indiana, that work under substantially the same terms and conditions under which the claimant was employed by a base-period employer, which is within the prior training and experience and physical capacity to perform, is suitable work unless a bona fide change in residence makes such work unsuitable because of the distance involved.

Maine does not disqualify an individual for refusal of suitable work if he refuses a position on a shift, the greater part of which falls between midnight and 5 a.m. and he is prevented from accepting the job because of family obligations. Also, Maine excludes from suitable work a job the claimant previously vacated if the reasons for leaving have not been removed or changed. Massachusetts deems work between the hours of 12 midnight and 6 a.m. not suitable for women. New Hampshire doesn't consider third shift under age 15, or for an ill or infirm dependent elderly person.

Connecticut does not deem work suitable if as a condition of being employed, the claimant would be required to agree not to leave the position if recalled by his previous employer. In Louisiana a claimant may refuse work if the remuneration from the employer is below 60 percent of the individual's highest rate of pay in the base period. In Wisconsin a claimant has good cause during the first six weeks of unemployment for refusing work at a lower grade of skill or significantly lower rate of pay than one or more recent jobs.

Delaware and New York make no reference to the suitability of work offered but provide for disqualification for refusals of work for which a claimant is reasonably fitted. Delaware, New York, and Ohio provide, in addition to the labor standards required by the Federal law, that no refusal to accept employment shall be disqualifying if it is at an unreasonable distance from the claimant's residence or the expense of travel to and from work is substantially greater than that in the former employment, unless provision is made for such expense. Also, Ohio does not consider suitable any work a claimant is not required to accept pursuant to a labor-management agreement. South Carolina specifies that whether work is suitable must be based on a standard of reasonableness as it relates to the particular claimant involved.

In Illinois an individual will not be disqualified if the position offered by an employing unit is a transfer to other work and the acceptance would separate an individual currently performing the work. Iowa does not disqualify an individual for failure to apply for or accept suitable work if the individual left work in lieu of exercising a right to bump or oust an employee with less seniority. In Oregon an individual will not be disqualified for refusal of suitable work if the employer unilaterally modified the amount of wages agreed upon by the individual's collective

bargaining unit and the employer. In Pennsylvania a claimant will not be disqualified for refusal of suitable work when the work is offered by his employer, and the claimant is not required to accept the offer pursuant to terms of a union contract or agreement or an established employer plan, program or policy.

A few States provide for changing the definition of suitable work as the duration of the individual's unemployment grows. The suitability of the offered wage is the factor States have chosen to alter. For example, Florida requires the agency, in developing rules to determine the suitability of work, to consider the duration of the individual's unemployment and the wage rates available. In addition, Florida law specifies that, after an individual has received 25 weeks of benefits in a single year, suitable work will be a job that pays the minimum wage and is 120 percent or more of the individual's weekly benefit amount.

Idaho law merely requires claimants to be willing to expand their job search beyond their normal trade or occupation and to accept work at a lower rate of pay in order to remain eligible for benefits as the length of their unemployment grows. Louisiana will not disqualify an individual for refusing suitable work if the offered work pays less than 60 percent of the individual's highest rate of pay in the base period. Utah considers all earnings in the base year in the determination of suitable work and specifies that work may be considered suitable the longer the claimant is unemployed and less likely to secure local work in his customary occupation. Wyoming will apply the refusal-of-suitable work disqualification if, after 4 weeks of unemployment, the individual failed to apply for and accept available work other than his customary occupation offering at least 50 percent of the compensation earned in his previous occupation.

Georgia specifies that, after an individual has received 8 weeks of benefits, no work will be considered unsuitable if it pays wages equal to at least 125 percent of half the individual's high quarter average weekly wage. After 13 weeks of benefits, no work is considered unsuitable if it pays wages equal to 110 percent of half the individual's high quarter average weekly wage. However, the work will not be considered suitable if it pays wages less than the minimum wage established by either State or Federal law.

Iowa law specifies that work is suitable if it meets the other criteria in the law and the gross weekly wage of the offered work bears the following relationship to the individual's high-quarter average weekly wage: (1) 100 percent during the first 5 weeks of unemployment; (2) 75 percent from the 6th through the 12th week of unemployment; (3) 70 percent from the 13th through the 18th week of unemployment; and (4) 65 percent after the 18th week of unemployment. No individual, however, is required to accept a job paying below the Federal minimum wage.

After 12 weeks of unemployment, Maine no longer considers the individual's prior wage in determining whether work is suitable. After 8 weeks of unemployment, Mississippi law specifies that work is suitable if the offered employment pays the minimum wage or higher and the wage is that prevailing for the individual's customary occupation or similar work in the locality. Montana after 13 weeks of unemployment, specifies that a suitable work offer need only include wages equal to 75 percent of the individual's earnings in his previous customary insured work but not less than the Federal minimum wage. North Dakota law specifies that after an individual has received 18 weeks of benefits, suitable work will be any work that pays wages equal to the maximum weekly benefit amount; provided that consideration is given to the degree of risk involved to the individual's health, safety, morals, his physical fitness and the distance of the work from his residence.

440.02 PERIOD OF DISQUALIFICATION.--Some States disqualify for a specified number of weeks (3 to 20) any claimants who refuse suitable work; others postpone benefits for a variable number of weeks, with the maximum ranging from 1 to 12. More than half the States disqualify, for the duration of the unemployment or longer, claimants who refuse suitable work. Most of these specify an amount that the claimant must earn, or a period of time the claimant must work to remove the disqualification.

Of the States that reduce potential benefits for refusal of suitable work, the majority provide for reduction by an amount equal to the number of weeks of benefits postponed.

The relationship between availability for work and refusal of suitable work was pointed out in the discussion of availability (sec. 410). The Wisconsin provisions for suitable work recognize this relationship by stating: "If the commission determines that * * * a failure to accept suitable work has occurred with good cause, but that the employee is unable to work or unavailable for work, he shall be ineligible for the week in which such failure occurred and while such inability or unavailability continues."

445 Labor Disputes

Unlike the disqualifications for voluntary leaving, discharge for misconduct, and refusal of suitable work, the disqualifications for unemployment caused by a labor dispute do not involve a question of whether the unemployment is incurred through fault on the part of the individual worker. Instead, they mark out an area that is excluded from coverage. This exclusion rests in part on an effort to maintain a neutral position in regard to the dispute and, in part, to avoid potentially costly drains on the unemployment funds.

The principle of "neutrality" is reflected in the type of disqualification imposed in all of the State laws. The disqualification imposed is always a postponement of benefits and in no instance involves reduction or cancellation of benefit rights. Inherently, in almost all States, the period is indefinite and geared to the continuation of the dispute-induced stoppage or to the progress of the dispute.

445.01 DEFINITION OF LABOR DISPUTE.--Except for Alabama, Arizona and Minnesota, no State defines labor dispute. The laws use different terms; for example, labor dispute, trade dispute, strike, strike and lockout, or strike or other bona fide labor dispute. Some States exclude lockouts, presumably to avoid penalizing workers for the employer's action; several States exclude disputes resulting from the employer's failure to conform to the provisions of a labor contract; and a few States, those caused by the employer's failure to conform to any law of the United States or the State on such matters as wages, hours, working conditions, or collective bargaining, or disputes where the employees are protesting substandard working conditions (Table 405).

445.02 LOCATION OF THE DISPUTE.--Usually a worker is not disqualified unless the labor dispute is in the establishment in which the worker was last employed. Idaho omits this provision; North Carolina, Oregon, Texas, and Virginia include a dispute at any other premises which the employer operates if the dispute makes it impossible for the employer to conduct work normally in the establishment in which

there is no labor dispute. Michigan includes a dispute at any establishment within the United States functionally integrated with the striking establishment or owned by the same employing unit. Ohio includes disputes at any factory, establishment, or other premises located in the United States and owned or operated by the employer.

445.03 PERIOD OF DISQUALIFICATION.--In most States the period of disqualification ends whenever the "stoppage of work because of a labor dispute" comes to an end or the stoppage ceases to be caused by the labor dispute. In other States, disqualifications last while the labor dispute is in "active progress," and in Arizona, Connecticut, Idaho, Montana, New Mexico, North Dakota, Ohio, Rhode Island, and South Dakota, while the workers' unemployment is a result of a labor dispute (Table 405).

A few State laws allow individuals to terminate a disqualification by showing that the labor dispute (or the stoppage of work) is no longer the cause of their unemployment. The Missouri law specifies that bona fide employment of the claimant for at least the major part of each of 2 weeks will terminate the disqualification; the Michigan law provides that if a claimant works in at least 2 consecutive calendar weeks, and earns wages in each week of at least the weekly benefit amount based on employment with the employer involved in the labor dispute, the disqualification will terminate; and the New Hampshire law specifies that the disqualification will terminate 2 weeks after the dispute is ended even though the stoppage of work continues. In contrast, the Arkansas, Colorado, North Carolina, and Tennessee laws extend the disqualification for a reasonable period of time necessary for the establishment to resume normal operations; and Michigan and Virginia extend the period to shutdown and startup operations. Under the Maine, Massachusetts, New Hampshire, and Utah laws, a claimant may receive benefits if, during a stoppage of work resulting from a labor dispute, the claimant obtains employment with another employer and earns a specified amount of wages (Table 405). However, base-period wages earned with the employer involved in the dispute cannot be used for benefit payments while the stoppage of work continues.

Only one State provides for a definite period of disqualification. In New York a worker, unemployed because of a strike, lockout or concerted activity not authorized or sanctioned by the collective bargaining unit in the establishment where such individual was employed, can accumulate effective days after 7 weeks and the waiting period, or earlier if the controversy is terminated earlier. In addition to the usual labor dispute provision, Michigan, in a few specified cases, disqualifies for 6 weeks in each of which the claimant must either earn remuneration in excess of $25 or meet the regular eligibility requirements, plus an equal reduction of benefits based on wages earned with the employer involved.

In Indiana termination of employment with the employer involved in the dispute is sufficient showing that the unemployment is not caused by the dispute.

445.04 EXCLUSION OF INDIVIDUAL WORKERS.--Alabama, California, Delaware, Kentucky, New York, North Carolina, Ohio, Utah and Wisconsin do not exempt from disqualification those workers who are not taking part in the labor dispute and who have nothing to gain by it. In Minnesota an individual is disqualified for 1 week if the individual is not participating in or directly interested in the labor

dispute. In Texas the unemployment must be caused by the claimant's stoppage of work. Utah applies a disqualification only in case of a strike involving a claimant's grade, class, or group of workers if one of the workers in the grade, class, or group fomented or was a party to the strike; if the employer or employer's agent and any of the workers or their agents conspired to foment the strike, no disqualification is applied. Massachusetts provides specifically that benefits will be paid to an otherwise eligible individual from the period of unemployment to the date a strike or lockout commenced, if such individual becomes involuntarily unemployed during negotiations of a collective-bargaining contract. New Hampshire provides that an individual will not be disqualified if the stoppage of work was due to a lockout or the failure of the employer to live up to the provision of any agreement or contract entered into between the employer and his employees. Minnesota provides that an individual is not disqualified if he is dismissed during negotiations prior to a strike or if unemployment is caused by an employer's willful failure to comply with either Federal and State occupational safety and health laws or safety and health provisions in a union agreement. Ohio provides that the labor dispute disqualification will not apply if the claimant is laid off for an indefinite period and not recalled to work prior to the dispute or was separated prior to the dispute for reasons other than the labor dispute, or if he obtains a bona fide job with another employer while the dispute is still in progress. Oregon provides that the labor dispute disqualification will not apply if the claimant was laid off prior to the dispute and did not work more than 7 days during the 21 calendar days immediately prior to the dispute or if during the dispute the individual's job or position was filled by a permanent replacement, and the individual unilaterally abandons the dispute and seeks reemployment with the employer. Tennessee provides that the labor dispute disqualification will not apply if the claimant was indefinitely separated prior to the dispute and otherwise eligible. Connecticut provides that an apprentice, unemployed because of a dispute between his employer and journeymen, shall not be held ineligible for benefits if he is available for work. Indiana excludes from disqualification individuals not recalled after the labor dispute has been terminated and sufficient time to resume normal activities has elapsed. The other States provide that individual workers are excluded if they and others of the same grade or class are not participating in the dispute, financing it, or directly interested in it, as indicated in Table 405.

450 Disqualification of Special Groups

Under all State laws, students who are not available for work while attending school and individuals who quit their jobs because of marital obligations which make them unavailable for work would not qualify for benefits under the regular provisions concerning ability to work and availability for work. Also, under those laws that restrict good cause for voluntary leaving to that attributable to the employer or to the employment, workers who leave work to return to school or who become unemployed because circumstances related to their family obligations are subject to disqualification under the voluntary-quit provision (Table 401). However, most States supplement their general able-and-available and disqualification provisions by the addition of one or more special provisions applicable to students or individuals separated from work because of family or marital obligations. Most of these special provisions restrict benefits more than the usual disqualification provisions (sec. 430).

In addition to these special State provisions, the Federal law was amended by Public Law 94-566 to require denial of benefits to certain categories of claimants--professional athletes, some aliens and school personnel--and to prohibit States from denying benefits solely on the basis of pregnancy or the termination of pregnancy.

450.01 INDIVIDUALS WITH MARITAL OBLIGATIONS.--The States with special provisions for unemployment because of marital obligations all provide for disqualification rather than a determination of unavailability. Generally, the disqualification is applicable only if the individual left work voluntarily. See Table 406.

The situations to which these provisions apply are stated in the law in terms of one or more of the following causes of separation: leaving to marry; to move with spouse or family; because of marital, parental, filial, or domestic obligations; and to perform duties of housewife. The disqualification or determination of unavailability usually applies to the duration of the individual's unemployment or longer. However, exceptions are provided in Idaho and Nevada.

450.02 STUDENTS.--Most States exclude from coverage service performed by students for educational institutions (Table 103); New York also excludes part-time work by a day student in elementary or secondary school. In addition, many States have special provisions limiting the benefit rights of students who have had covered employment. See Table 407. In some of these States the disqualification is for the duration of the unemployment; in others, during attendance at school or during the school term. Colorado provides for a disqualification of from 6 to 12 weeks plus an equal reduction in benefits. In Iowa a student is considered to be engaged in "customary self-employment" and as such is not eligible for benefits; Idaho does not consider a student unemployed while attending school during the customary working hours of the occupation, except for students in approved training.

A few States disqualify claimants during school attendance and Montana, New Jersey and Utah extend the disqualification to vacation periods. In Utah the disqualification is not applicable if the major portion of the individual's base-period wages were earned while attending school, and, in New Jersey, if the individual earned wages sufficient to qualify for benefits while attending school the disqualification does not apply. In other States students are deemed unavailable for work while attending school and during vacation periods. California, Connecticut, Indiana, and Louisiana make an exception for students regularly employed and available for suitable work. In Ohio a student is eligible for benefits providing the base-period wages were earned while in school and the student is available for work with any base-period employer or for any other suitable employment.

450.03 SCHOOL PERSONNEL.--Federal law requires States to deny benefits between successive academic years or terms to any individual who is employed by a school or by an educational service agency to perform services to or on behalf of an educational institution if the individual performed services in one year or term and has a reasonable assurance or a contract to perform services in the second year or

term. The denial also applies to vacation or holiday periods within school years or terms. Further, Federal law requires States to pay benefits retroactively to school personnel, other than those performing services in an instructional, research or principal administrative capacity, if they were given a reasonable assurance of reemployment but were not in fact rehired when the new school year or term began, but only if the individual continued to file timely claims during the denial period. Kansas and Wisconsin also applies a between and within-terms denial to school bus drivers not employed by governmental entities or nonprofit organizations.

Alaska provides State interim benefits, if money is appropriated from the general fund, to nonprofessional employees of educational institutions who are noncertificated and provide compensated services to a school district for teaching indigenous languages if the individual's benefits are reduced or denied under the between terms or during vacation period provisions of the law.

450.04 PROFESSIONAL ATHLETES.--Public law 94-566 amended the Federal law to require States to deny benefits to an individual between two successive sport seasons if substantially all of his services in the first season consist of participating in or preparing to participate in sports or athletic events and he has a reasonable assurance of performing similar services in the second season.

450.05 ALIENS.--Public Law 94-566 also amended Federal law to require denial of benefits to certain aliens. Benefits may not be paid based on service performed by an alien unless the alien is one who (1) was lawfully admitted for permanent residence at the time the services were performed and for which the wages paid are used as wage credits; (2) was lawfully present in the United States to perform the services for which the wages paid are used as wage credits; or (3) was permanently residing in the United States "under color of law," including one lawfully present in the United States under provisions of the Immigration and Nationality Act.

To avoid discriminating against certain groups in the administration of this provision, Federal law requires that the information designed to identify illegal nonresident aliens must be requested of all claimants. Whether or not the individual is a permanent resident is to be decided by a preponderance of the evidence.

455 Disqualification for Fraudulent Misrepresentation to Obtain Benefits

All States have special disqualifications covering fraudulent misrepresentation to obtain or increase benefits (Table 409). These disqualifications from benefits are administrative penalties. In addition, the State laws contain provisions for (a) the repayment of benefits paid as the result of fraudulent claims or their deduction from potential future benefits, and (b) fines and imprisonment for willfully or intentionally misrepresenting or concealing facts which are material to a determination concerning the individual's entitlement to benefits.

455.01 RECOVERY PROVISIONS.--All State laws make provision for the agencies to recover benefits paid to individuals who later are found not to be entitled to them. A few States provide that, if the overpayment is without fault on the individual's part, the individual is not liable to repay the amount, but it may, at the discretion of the agency, be deducted from future benefits. South Carolina

permits collection of benefit overpayments from State tax refunds otherwise due the individual. Some States limit the period within which recovery may be required--1 year in Connecticut, Nevada and New Mexico; 2 years in Arkansas, Florida, Minnesota and North Dakota; 3 years in Delaware, Illinois, Indiana, Maryland, Nebraska, Tennessee, Utah, Vermont, and Wyoming; 4 years in New Jersey; 5 years in Colorado, Idaho and Kentucky; 6 years in Alabama; 8 years in Idaho; and 10 years in Mississippi. In Oregon recovery is limited to the existing benefit year and the 52 weeks immediately following. In Oklahoma recovery continues into the next subsequent benefit year that begins within 1 year of the expiration of the current benefit year. Eleven States[1] provide that, in the absence of fraud, misrepresentation, or nondisclosure, the individual shall not be liable for the amount of overpayment received without fault on the individual's part where the recovery thereof would defeat the purpose of the act and be against equity and good conscience. Eleven other States[2] provide that recovery may be waived under such conditions. In Minnesota benefits paid through error or fraud may be waived if determined uncollectible due to death or bankruptcy.

In many States the recovery of benefits paid as the result of fraud on the part of the recipient is made under the general recovery provision. More than half the States[3] have a provision that applies specifically to benefit payments received as the result of fraudulent misrepresentation. All but a few States provide alternative methods for recovery of benefits fraudulently received; the recipient may be required to repay the amounts in cash or to have them offset against future benefits payable. New York provides that a claimant shall refund all moneys received because of misrepresentation; and Alabama, for withholding future benefits until the amount due is offset. In Minnesota, Texas, Vermont, and Wisconsin the commission may, by civil action, recover any benefits obtained through misrepresentation. Maryland, Montana, Oklahoma, and Pennsylvania charge interest on fraudulently obtained benefits. Also, in Arizona through regulation. In Oklahoma the accrued interest may not be offset against future benefits.

455.02 CRIMINAL PENALTIES.--Nine State laws (Alaska, Georgia, Hawaii, Maryland, Minnesota, North Carolina, North Dakota, Tennessee, and Virginia) provide that any fraudulent misrepresentation or nondisclosure to obtain, increase, reduce, or defeat benefit payments is a misdemeanor, punishable according to the State criminal law. Under the Kansas law, anyone making a false statement or failing to disclose a material fact in order to obtain or increase benefits is guilty of theft and punishable under the general criminal statutes. These States have no specific penalties in their unemployment laws with respect to fraud in connection with a claim. They therefore rely on the general provisions of the State criminal code for the penalty to be assessed in the case of fraud. Fraudulent misrepresentation or nondisclosure to obtain or increase benefits is a felony under the Idaho and Florida laws, and larceny under the Puerto Rico law. The other States include in the law a provision for a fine (maximum $20 to $2,000) or imprisonment (maximum 30 days to 1

1/Ariz., Ark., Calif., Fla., Hawaii, Mass., Mont, Nebr., Nev., Tenn., and Wyo.
2/Ala., Colo., Ill., Kans., La., Maine, Mich., N.C., N.Dak., S.Dak., and Wash.
3/Ariz., Ark., Colo., Del., D.C., Fla., Ga., Hawaii, Ind., La., Maine, Mich., Minn., Mo., Nebr., Nev., N.H., N.Y., Ohio, Okla., Oreg., P.R., Utah, Vt., Wash., Wis., and Wyo.

year), or both (Table 408). In a few States the penalty on the employer is greater, in some cases considerably greater, than that applicable to the claimant. Usually the same penalty applies if the employer knowingly makes a false statement or fails to disclose a material fact to avoid becoming or remaining subject to the act or to avoid or reduce contributions. New Jersey imposes a fine of $250 to $1,000 if an employer files a fraudulent contribution report, and imposes the same fine if an employer aids or abets an individual in obtaining more benefits than those to which the claimant is entitled. A few States provide no specific penalty for fraudulent misrepresentation or nondisclosure; in these States the general penalty is applicable (Table 408, footnote 4). The most frequent fine on the worker is $20-$50 and on the employer, $20-$200.

455.03 DISQUALIFICATION FOR MISREPRESENTATION.--The provisions for disqualification for fraudulent misrepresentation follow no general pattern. In nine States[1] there is a more severe disqualification when the fraudulent act results in payment of benefits; in California, New Hampshire, Oregon, Pennsylvania, and Virginia, when the claimant is convicted.

In California any claimant convicted of misrepresentation under the penalty provisions is disqualified for 1 year. In Rhode Island, and Wyoming there is no disqualification unless the claimant has been convicted of fraud by a court of competent jurisdiction. On the other hand, in Hawaii, Puerto Rico, Vermont and the Virgin Islands a claimant is not subject to the administrative disqualification if penal procedures have been undertaken; in Massachusetts, administrative disqualification precludes initiation of penal procedures.

Eighteen States include a statutory limitation on the period within which a disqualification for fraudulent misrepresentation may be imposed (Table 409, footnote 3). The length of the period is usually 2 years and, in seven States, the period runs from the date of the offense to the filing of a claim for benefits. In these States the disqualification can be imposed only if the individual files a claim for benefits within 2 years after the date of the fraudulent act. In Connecticut the disqualification may be imposed if a claim is filed within 2 years after the benefit year in which the offense occurred. In five States the disqualification may be imposed only if the determination of fraud is made within 2 or 4 years after the date of the offense.

In many States the disqualification is, as would be expected, more severe than the ordinary disqualification provisions. In 17 States the disqualification is for at least a year; in others it may last longer. The provisions are difficult to compare because some disqualifications start with the date of the fraudulent act, while others begin with the discovery of the act, the determination of fraud, the date on which the individual is notified to repay the sum so received, or conviction by a court; some begin with the filing of a first claim, while others are for weeks that would otherwise be compensable. The disqualification provisions are, moreover, complicated by tie-in with recoupment provisions and by retroactive imposition.

1/ Idaho, Ky., La., Maine, Md., Mich., Ohio, Utah, and Vt.

As Table 409 shows, the cancellation of wage credits in many States means the denial of benefits for the current benefit year or longer. A disqualification for a year means that wage credits will have expired, in whole or in part, depending on the end of the benefit year and the amount of wage credits accumulated for another benefit year before the fraudulent act, so that future benefits are reduced as if there had been a provision for cancellation. In other States with discretionary provisions or shorter disqualification periods, the same result will occur for some claimants. Altogether, misrepresentation involves cancellation or reduction of benefit rights in 34 States and may involve reduction of benefit rights for individual claimants in 15 more States. The disqualification for fraudulent misrepresentation usually expires after a second benefit year, but in California it may be imposed within 3 years after the determination is mailed or served; in Ohio, within 4 years after a finding of fraud; and in Arkansas and Washington, within 2 years of such finding. In 10 States[1] the agency may deny benefits until the benefits obtained through fraud are repaid. In Virginia the denial is limited to 5 years. In Minnesota, if benefits fraudulently obtained are not repaid promptly, such amounts are deducted from future benefits in the current or any subsequent benefit year. In Colorado, benefits are denied if an individual's court trial for commission of a fraudulent act is prevented by the inability of the court to establish its jurisdiction over the individual. Such ineligibility begins with the discovery of the fraudulent act and continues until such time as the individual makes himself available to the court for trial. In Maryland the time limit for repayment is 5 years following the date of the offense, or 1 year after the year disqualification period, whichever occurs later. After this period an individual may qualify for benefits against which any part of the repayment due may be offset. In Louisiana repayment is limited to the 5-year period following a determination of fraud--a period which may be lengthened under specified circumstances.

460 Disqualifying Income

Practically all the State laws include a provision that a claimant is disqualified from benefits for any week during which such claimant is receiving or is seeking benefits under any Federal or other State unemployment insurance law. A few States mention specifically benefits under the Federal Railroad Unemployment Insurance Act. Under most of the laws, no disqualification is imposed if it is finally determined that the claimant is ineligible under the other law. The intent is clear--to prevent duplicate payment of benefits for the same week. It should be noted that such disqualification applies only to the week in which or for which the other payment is received.

Forty-two States have statutory provisions that a claimant is disqualified for any week during which such claimant receives or has received certain other types of remuneration such as wages in lieu of notice, dismissal wages, worker's compensation for temporary partial disability, holiday and vacation pay, back pay, and benefits under a supplemental unemployment benefit plan. In many States if the payment concerned is less than the weekly benefit, the claimant receives the difference; in other States no benefits are payable for a week of such payments regardless of the amount of payment (Table 410A). A few States provide for rounding the resultant benefits, like payments for weeks of partial unemployment, to even 50-cent or dollar amounts.

1/ Idaho, Ill., Ky., La., Mich., N.H., Oreg., Utah, Va., and Vt.

460.01 WAGES IN LIEU OF NOTICE AND DISMISSAL PAYMENTS.--The most frequent provision for disqualification for receipt of other income is for weeks in which the claimant is receiving wages in lieu of notice (31 States). In 13 of these States the claimant is totally disqualified for such weeks; in 18, if the payment is less than the weekly benefit amount, the claimant receives the difference. Twenty-one States have the same provision for receipt of dismissal payments as for receipt of wages in lieu of notice. The State laws use a variety of terms such as dismissal allowances, dismissal payments, dismissal wages, separation allowances, termination allowances, severance payments, or some combination of these terms. In many States all dismissal payments are included as wages for contribution purposes after December 31, 1951, as they are under the FUTA. Other States continue to define wages in accordance with the FUTA prior to the 1950 amendments so as to exclude from wages dismissal payments which the employer is not legally required to make. To the extent that dismissal payments are included in taxable wages for contribution purposes, claimants receiving such payments may be considered not unemployed, or not totally unemployed, for the weeks concerned. Some States have so ruled in general counsel opinions and benefit decisions. Indiana and Minnesota specifically provide for deduction of dismissal payments whether or not legally required. However, under rulings in some States, claimants who received dismissal payments have been held to be unemployed because the payments were not made for the period following their separation from work but, instead, with respect to their prior service.

460.02 WORKER'S COMPENSATION PAYMENTS.--Nearly half the State laws list worker's compensation under any State or Federal law as disqualifying income. Some disqualify for the week concerned; the others consider worker's compensation deductible income and reduce unemployment benefits payable by the amount of the worker's compensation payments. A few States reduce the unemployment benefit only if the worker's compensation payment is for temporary partial disability, the type of worker's compensation payment that a claimant most likely could receive while certifying ability to work. The Alabama, Colorado, Connecticut, Illinois, and Iowa laws state merely temporary disability. The Georgia law specifies temporary partial or temporary total disability. The Kansas provision specifies temporary total disability or permanent total disability, while the Massachusetts provision is in terms of partial or total disability but specifically excludes weekly payments received for dismemberment. The Florida, Louisiana, and Texas laws are in terms of temporary partial, temporary total, or total permanent disability. The Minnesota law specifies any compensation for loss of wages under a worker's compensation law; and Montana's provision is in terms of compensation for disability under the worker's compensation or occupational disease law of any State. California's, Nevada's, West Virginia's, and Wisconsin's provisions specify temporary total disability.

460.03 RETIREMENT PAYMENTS.--The Federal law requires States to reduce the weekly benefit amount of any individual by the amount, allocated weekly, of any ". . . governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual . . ." This requirement applies only to payments made under a plan maintained or contributed to by a base-period or chargeable employer. In addition, States may disregard pension payments if the base-period employment did not affect eligibility for or increase the amount of the pension. However, Social Security and Railroad Retirement benefits are deductible regardless of whether remuneration or

service for a base-period or chargeable employer affected eligibility or increased the amount of the pension. Also, States are permitted to reduce benefits on less than a dollar-for-dollar basis to take into account the contributions made by the worker to the plan from which payments are made. As can readily be seen the States have available a variety of options among which to choose in formulating a pension offset provision. See Table 410B.

460.04 SUPPLEMENTAL UNEMPLOYMENT PAYMENTS.--A supplemental unemployment benefit plan is a system whereby, under a contract, payments are made from an employer-financed trust fund to his workers. The purpose is to provide the worker, while unemployed, with a combined unemployment insurance and supplemental unemployment benefit payment amounting to a specified proportion of his weekly earnings while employed.

There are two major types of such plans: (1) those (of the Ford-General Motors type) under which the worker has no vested interest and is eligible for payments only if he is laid off by the company; and (2) those under which the worker has a vested interest and may collect if he is out of work for other reasons, such as illness or permanent separation.

All States except New Mexico, Puerto Rico, South Carolina, and South Dakota have taken action on the question of permitting supplementation in regard to plans of the Ford-General Motors type. Of the States that have taken action, all permit supplementation without affecting unemployment insurance payments.

In 48 States permitting supplementation, an interpretive ruling was made either by the attorney general (27 States) or by the employment security agency (10 States); in Maine, supplementation is permitted as a result of a Superior Court decision and, in the remaining 10 States[1] by amendment of the unemployment insurance statutes.

Some supplemental unemployment benefit plans of the Ford-General Motors type provide for alternative payments or substitute private payments in a State in which a ruling not permitting supplementation is issued. These payments may be made in amounts equal to three or four times the regular weekly private benefit after two or three weekly payments of State unemployment insurance benefits without supplementation; in lump sums when the layoff ends or the State benefits are exhausted (whichever is earlier); or through alternative payment arrangements to be worked out, depending on the particular supplemental unemployment benefit plan.

460.05 RELATIONSHIP WITH OTHER STATUTORY PROVISIONS.--The eleven States[2] which have no provision for any type of disqualifying income except pensions and the larger number which have only two or three types do not necessarily allow benefits to all claimants in receipt of the types of payments concerned. When they do not pay benefits to such claimants, they rely upon the general able-and-available

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1/ Alaska, Calif., Colo., Ga., Hawaii, Ind., Md., N.H., Ohio and Va.

2/ Ariz., D.C., Hawaii, Idaho, Miss., N.Mex., N.Dak., Okla., V.I., Va., and Wash.

provisions or the definition of unemployment. Many workers receiving worker's compensation, other than those receiving weekly allowances for dismemberment, are not able to work in terms of the unemployment insurance law. However, receipt of worker's compensation for injuries in employment does not automatically disqualify an unemployed worker for unemployment benefits. Many States consider that evidence of injury with loss of employment is relevant only as it serves notice that a condition of ineligibility may exist and that a claimant may not be able to work and may not be available for work.

Table 410A also includes vacation pay, holiday pay and back pay as disqualifying income. Many States consider workers receiving vacation pay as not eligible for benefits; several other States hold an individual eligible for benefits if he is on a vacation without pay through no fault of his own. In practically all States, as under the FUTA, vacation pay is considered wages for contribution purposes--in a few States, in the statutory definition of wages; in others, in official explanations, general counsel or attorney general opinions, interpretations, regulations, or other publications of the State agency. Thus a claimant receiving vacation pay equal to his weekly benefit amount would, by definition, not be unemployed and would not be eligible for benefits. Some of the explanations point out that vacation pay is considered wages because the employment relationship is not discontinued, and others emphasize that a claimant on vacation is not available for work. Vacation payments made at the time of severance of the employment relationship, rather than during a regular vacation shutdown, are considered disqualifying income in some States only if such payments are required under contract and are allocated to specified weeks; in other States such payments, made voluntarily or in accordance with a contract, are not considered disqualifying income.

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Table 400.--Ability to Work, Availability for Work, and Seeking Work Requirements

State	Able to work and available for--			Actively seeking work (40 States)	Special provision for illness or disability during unemployment[1] (11 States)
	Work (32 States)	Suitable work (12 States)	Work in usual occupation or for which reasonably fitted by prior training or experience (9 States)		
(1)	(2)	(3)	(4)	(5)	(6)
Ala.			x[2]	x	
Alaska		x[3]			x[1]
Ariz.	x[11]				
Ark.		x[3]		x[5]	
Calif.	x[3]			x	
Colo.		x		x	
Conn.	x[4]			x	
Del.	x[4]			x[5]	x
D.C.	x[10]			x[9]	
Fla.	x				
Ga.	x[6]			x[7]	
Hawaii	x			[5]	x
Idaho[3]		x		x	x
Ill.[3]	x[2]			x	
Ind.[3]	x			x	
Iowa[12]	x			x	
Kans.			x	x	
Ky.		x		x	
La.	x			x	
Maine			x[13]	x	
Md.	x[11]			x[7]	x
Mass.			x		x[1]
Mich.			x[2]	x[5]	
Minn.[3]	x			x	
Miss.	x				
Mo.	x			x	
Mont.	x			x	x
Nebr.	x[6][8]				
Nev.	x				x
N.H.		x		x	
N.J.	x[6]			x	
N.Mex.	x			x[5]	
N.Y.			x[6]		
N.C.	x[6]			x[5][9]	
N.Dak.		x		x	x[1]
Ohio		x[2]		x[5]	
Okla.	x			x[9]	
Oreg.		x[3]		x	
Pa.		x			
P.R.		x			

(Table continued on next page)

Table 400.--Ability to Work, Availability for Work, and Seeking Work Requirements (Continued)

State	Able to work and available for--			Actively seeking work (40 States)	Special provision for illness or disability during unemployment[1] (11 States)
	Work (32 States)	Suitable work (12 States)	Work in usual occupation or for which reasonably fitted by prior training or experience (9 States)		
(1)	(2)	(3)	(4)	(5)	(6)
R.I.	X	. . . . .	. . . . .	X	. . . . .
S.C.	. . . . .	. . . . .	X[2]	X	. . . . .
S.Dak.	X	. . . . .	. . . . .	. . . . .	. . . . .
Tenn.	X[6]	. . . . .	. . . . .	. . . . .	X
Tex.	X	. . . . .	. . . . .	. . . . .	. . . . .
Utah.	X	. . . . .	. . . . .	X	. . . . .
Vt.	X	. . . . .	. . . . .	X[9]	X
Va.[3]	X[6]	. . . . .	. . . . .	X	. . . . .
V.I.	. . . . .	X	. . . . .	X	. . . . .
Wash.[3]	. . . . .	. . . . .	X[6]	X[9]	. . . . .
W.Va.	. . . . .	. . . . .	X[11]	X	. . . . .
Wis.	X	. . . . .	. . . . .	X[9]	. . . . .
Wyo.	X	. . . . .	. . . . .	X	. . . . .

[1] Claimants are not ineligible if unavailable because of illness or disability occurring after filing claim and registering for work if no offer of work that would have been suitable at time of registration is refused after beginning of such disability; in Alaska waiver may not exceed 6 consec. wks; in Mass. provision is applicable for 3 weeks only in a BY: in N.Dak. only if illness not covered by workers' compensation.

[2] In locality where BPW's were earned or where suitable work may reasonably be expected to be available, Ala. and S.C.; where the commission finds such work available, Mich.; where suitable work is normally performed, Ohio; where opportunities for work are substantially as favorable as those in the locality from which he has moved, Ill..

[3] Intrastate claimant not ineligible if unavailability is caused by noncommercial fishing or hunting necessary for survival or if traveling to obtain medical services outside residence for himself, spouse or dependent if suitable work is not offered, Alaska; claimant not ineligible if unavailable 2 or 4 workdays because of death in immediate family or unlawful detention, Calif.; claimant not ineligible if unavailable for 7 days because of death in immediate family, or if required to withdraw from the labor market for less than 4 days in the week for compelling personal emergency, Ark.; not unavailable if compelling personal circumstance requires absence from normal market area for less than major part of wk., Idaho; claimant in county or city work relief program not unavailable solely for that reason, Oreg.. Claimant not ineligible solely because of serving on grand or petit jury, or responding to a subpoena, Calif.; not unavailable if claimant is serving as a prospective or impaneled juror, Alaska.. For special provisions in other States noted concerning benefits for claimants unable to work or unavailable for part of a week, see sec. 410.

(Footnotes continued on next page)

(Footnotes for Table 400 Continued)

4/Involuntarily retired individual eligible if registered for work, able to work, and not refusing a suitable job offer, Conn.; if available for work suitable in view of age, physical condition, and other circumstances, Del..

5/Employees temporarily laid off for not more than 45 days deemed available for work and actively seeking work if the employer notifies the agency that the layoff is temporary, Del., Mich., Ohio, for no more than 8 wks., Ark., and for no more than 4 wks. or if the individual has an offer in writing for full-time work that will begin in 4 wks, N.Mex.. Individual customarily employed in seasonal employment must show that he is actively seeking work for which he is qualified by past experience or training during the nonseasonal period, N.C.. Claimant must make an active search for work if he voluntarily left work because of marital obligations or approaching marriage, Hawaii..

6/Claimant deemed available while on involuntary vacation without pay, Nebr. and N.J.; unavailable for 2 weeks or less in CY if unemployment is result of vacation, Ga. and N.C.; eligible only if he is not on a bona fide vacation, Va.. Vacation shutdown pursuant to agreement or union contract is not of itself a basis for ineligibility, N.Y. and Wash.. Vacation caused by plant shutdown not basis for denial of benefits if individual does not receive vacation pay for the period, Tenn..

7/And is bona fide in the labor market, Ga.. Not applicable to persons unemployed because of plant shutdown of up to 10-26 weeks if conditions justify, or to person 60 or over who has been furloughed and is subject to recall; blindness or severe handicap do not make a person ineligible if the person was employed by the Maryland Workshop for the Blind prior to his unemployment, Md..

8/Receipt of nonservice connected total disability pension by veteran at age 65 or more shall not of itself preclude ability to work.

9/Requirement not mandatory; see text, Okla., Vt., Wash., Wisc.; by judicial interpretation, D.C.; by regulation, N.C..

10/Considers ineligible any individual who makes a claim for any week during which he is a prisoner in a penal or correctional institution.

11/A member of the National Guard or other reserve component of the U.S. Armed Forces may not be considered employed or unavailable for work while engaged in inactive duty for training, Ariz., Md., and W.Va..

12/Waives the able to work, available for work and actively seeking work requirement if an individual left work in lieu of exercising bumping rights to oust an employee with less seniority.

13/No individual will be ineligible for benefits because he is unable to accept employment on a shift, the greater part of which falls between midnight and 5 a.m. and is prevented from accepting the job because of family obligations.

Table 401.--Disqualification for Voluntary Leaving and Disqualification Imposed

State (1)	Benefits postponed for--[3/][4/] Fixed number of weeks[5/] (2)	Variable number of weeks[5/] (3)	Duration of unemployment (4)	Benefits reduced[4/][7/] (5)
Ala.	. . . . .	. . . . .	+10 x wba[4/]	6-12 x wba
Alaska	W-5[3/][4/]	. . . . .	. . . . .	3 x wba
Ariz.	. . . . .	. . . . .	+5 x wba	. . . . .
Ark.	. . . . .	. . . . .	+30 days work	. . . . .
Calif.	. . . . .	. . . . .	+5 x wba	. . . . .
Colo.	WF+10	. . . . .	. . . . .	Equal
Conn.	. . . . .	. . . . .	+10 x wba[9/]	. . . . .
Del.	. . . . .	. . . . .	+4 wks. of work and 4 x wba	. . . . .
D.C.	. . . . .	. . . . .	+10 wks. of work and wages equal to 10 x wba	. . . . .
Fla.	. . . . .	. . . . .	+17 x wba[4/]	. . . . .
Ga.	. . . . .	. . . . .	+8 x wba	. . . . .
Hawaii	. . . . .	. . . . .	+5 wks. work	. . . . .
Idaho	. . . . .	. . . . .	+16 x wba	. . . . .
Ill.	. . . . .	. . . . .	+wages equal to wba in each of 4 wks.	. . . . .
Ind.	. . . . .	. . . . .	+wages equal to wba in each of 8 wks.	BY 25%
Iowa	. . . . .	. . . . .	+10 x wba[4/]	. . . . .
Kans.	. . . . .	. . . . .	+3 x wba	. . . . .
Ky.	. . . . .	. . . . .	+10 wks. of covered work and wages equal to 10 x wba[4/]	. . . . .
La.	. . . . .	. . . . .	+10 x wba[4/]	. . . . .
Maine	. . . . .	. . . . .	+4 x wba[4/][9/]	. . . . .
Md.	. . . . .	W+4-9[3/][4/]	+10 x wba[3/][4/]	. . . . .
Mass.[4/]	. . . . .	. . . . .	+4 x wba	. . . . .
Mich.[4/]	. . . . .	. . . . .	Lesser of 7 x wba or 40 x State min. hourly wage x 7	. . . . .
Minn.	. . . . .	. . . . .	+4 wks. of work and wages equal to 8 x wba	. . . . .
Miss.	. . . . .	. . . . .	+8 x wba	. . . . .
Mo.	. . . . .	. . . . .	+10 x wba[4/]	. . . . .
Mont.	. . . . .	. . . . .	+6 x wba[3/]	. . . . .
Nebr.	. . . . .	W+7-10[4/][11/]	. . . . .	Equal[4/][7/]
Nev.	. . . . .	. . . . .	+10 x wba[9/]	. . . . .
N.H.	. . . . .	. . . . .	+5 wks. of covered work with earnings equal to 20% more than wba in each	. . . . .
N.J.	. . . . .	. . . . .	+4 wks. of covered work and wages equal to 6 x wba	. . . . .
N.Mex.	. . . . .	. . . . .	+5 x wba in covered work	. . . . .
N.Y.	. . . . .	. . . . .	+3 days work in each of 5 wks. and 5 x wba	. . . . .

(Table continued on next page)

Table 401.--Disqualification for Voluntary Leaving and Disqualification Imposed (Continued)

State (1)	Benefits postponed for--3/4/ Fixed number of weeks5/ (2)	Variable number of weeks5/ (3)	Duration of unemployment (4)	Benefits reduced4/7/ (5)
N.C.	. . . . .	3/	+10 x wba earned in at least 5 wks.3/	3/
N.Dak.	. . . . .	. . . . .	+8 x wba 4/	. . . . .
Ohio	. . . . .	. . . . .	+6 wks. in covered work4/12/	. . . . .
Okla.	. . . . .	. . . . .	+10 x wba	. . . . .
Oreg.	. . . . .	. . . . .	+4 x wba	8 x wba
Pa.	. . . . .	. . . . .	+6 x wba	. . . . .
P.R.	. . . . .	. . . . .	+4 wks. of work and wages equal to 10 x wba	. . . . .
R.I.	. . . . .	. . . . .	+4 wks. of work in each of which he earned at least 20 x min. hrly wage.	. . . . .
S.C.	. . . . .	. . . . .	+8 x wba	. . . . .
S.Dak.	. . . . .	. . . . .	+6 wks. in covered work and wages equal to wba in each wk.4/	. . . . .
Tenn.	. . . . .	. . . . .	+10 x wba in covered work4/	. . . . .
Tex.	. . . . .	. . . . .	+6 wks. of work or wages equal to 6 x wba5/	. . . . .
Utah	. . . . .	. . . . .	+6 x wba	. . . . .
Vt.	. . . . .	. . . . .	+ in excess of 6 x wba10/	. . . . .
Va.	. . . . .	. . . . .	+30 days' work4/	. . . . .
V.I.	. . . . .	. . . . .	+4 wks. of work and 4 x wba	. . . . .
Wash.	. . . . .	. . . . .	+wba in each of 5 wks.	. . . . .
W.Va.	. . . . .	. . . . .	+30 days' work4/	. . . . .
Wis.4/	10/13/	. . . . .	+7 wks. in covered work and wages equal to 14 x wba	By 50%
Wyo.	. . . . .	. . . . .	+12 wks. of work and wages equal to 12 x wba	. . . . .

3/In Alaska, disqualification is terminated if claimant returns to work and earns at least 8 x wba. In Mont., disqualification is terminated after claimant attends school for 3 consec. months and is otherwise eligible. In Md., either disqualification may be imposed at discretion of agency. However, satisfaction of type not assessed does not serve to end assessed disqualification. In N.C., the Commission may reduce permanent disqualification to a time certain but not less than 5 wks. When permanent disqualification changed to time certain, benefits shall be reduced by an amount determined by multiplying the number of wks. of disqualification by wba. Also, N.C. reduces the disqualification if an individual quits due to an impending separation to the greater of 4 wks. or the period from the wk. of filing until the end of the wk. of separation.

(Footnotes continued on next page)

(Footnotes for Table 401 continued)

4/Disqualifications applicable to other than last separation as indicated: preceding separation may be considered if last employment not considered bona fide work, Ala.; when employment or time period subsequent to separation does not satisfy potential disqualification, Alaska, Fla., Iowa, La., Md., Mass., Mo., and Ohio; to most recent previous separation if last work was not in usual trade or intermittent, Maine; disqualification applicable to last 30-day employing unit, Va.; if employment was less than 30 days unless on an additional claim, S.Dak., and W.Va.; reduction or forfeiture of benefits applicable to separations from any BP employer, Ky. and Nebr.; any ER with whom the individual earned 8 x wba, N.Dak., and 10 x wba, Tenn.. In Mich., and Wis. benefits computed separately for each ER to be charged. When an ER's account becomes chargeable, reason for separation from that ER is considered.

5/W means wk. of occurrence; WF, wk. of filing; and WW, waiting wk. except that disqualification begins with: wk. following filing of claim, Tex..

7/"Equal" indicates reduction equal to wba multiplied by number of wks. of disqualification or, in Nebr., the number of wks. chargeable to ER involved, if less. "Optional" indicates reduction at discretion of agency.

9/Disqualified for duration of unemployment if voluntarily retired or retired as a result of recognized ER policy under which he receives pension and until claimant earns 6 x wba, Maine. Disqualified for W+4 if individual voluntarily left most recent work to enter self-employment, and an individual who left his last or next-to-last work to seek better employment will be disqualified until he secures better employment or earns remuneration in each of 10 wks, Nev.. Voluntary retiree disqualified for the duration of unemployment and until 40 x wba is earned, Conn..

10/Disqualified for 1-6 wks. if health precludes discharge of duties of work left, Vt.. Duration disqualification not applied if claimant left employment because of transfer to work paying less than 2/3 immediately preceding wage rate; however, claimant ineligible for the wk. of termination and the 4 next following wks., Wis..

11/An individual who leaves work to accept a better job will be disqualified for the wk. of leaving and one additional wk.

12/And wages equal to 3 x aww or $350, whichever is less (until October 1988, $510.60), Ohio..

13/May receive benefits based on previous employment provided claimant maintained a temporary residence near place of employment and, as a result of a reduction in hours, returned to permanent residence, Wis..

Table 401.1--Good Cause for Voluntary Leaving Includes

State (1)	Sexual or unwelcome harassment (2)	Compulsory retirement (3)	To accept other work (4)	Claimant's illness (5)	To join armed forces (6)	Good cause Restricted[5] (7)
Ala.			X[2]	X		X[5]
Alaska						
Ariz.						X
Ark.				X[4]		X[5]
Calif.	X	X[1]				
Colo.		X	X	X[4]		X[5]
Conn.			X[2][3]	[4]		X[5]
Del.				X		X[5]
D.C.						X
Fla.			X[2]	X		X[5]
Ga.						X
Hawaii						
Idaho						X[5]
Ill.	X		X[3]	X[4]		X
Ind.		X[1]	X[3]	X	X	X[5]
Iowa			X[2]	X[4]		X[5]
Kans.	X		X[3]	X[4]	X	X
Ky.						X[5]
La.						X
Maine				X		X[5]
Md.				X[4]		X
Mass.	X	X[1]	X[2][3]	[4]		X[5]
Mich.			X[3]			X[5]
Minn.	X	X	X[3]	X[4]		X[5]
Miss.						[5]
Mo.		X[1]	X[2]			X[5]
Mont.						X[5]
Nebr.						
Nev.						
N.H.				(By regulation)		X[5]
N.J.						X
N.Mex.						X
N.Y.						
N.C.				X		X
N.Dak.				X[4]		X
Ohio			X[3]		X	
Okla.						X
Oreg.						
Pa.						
P.R.						
R.I.	X	X[1]				
S.C.						
S.Dak.			X[2]	X [4]		X
Tenn.				X	X	X[5]
Texas				X[4]		X[5]
Utah						

(Table continued on next page)

Table 401.1--Good Cause for Voluntary Leaving Includes (Continued)

State (1)	Sexual or unwelcome harassment (2)	Compulsory retirement (3)	To accept other work (4)	Claimant's illness (5)	To join armed forces (6)	Good cause Restricted[5] (7)
Vt.	. . . . .	. . . . .	. . . . .	X	. . . .	X[5]
Va.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
V.I.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Wash.	. . . . .	. . . . .	X	X	. . . .	X
W.Va.	. . . . .	. . . . .	X[2]	. . . . .	. . . .	X[5]
Wis.	X	X	X[3]	X[4]	. . . .	X[5]
Wyo.	. . . . .	. . . . .	. . . . .	X[4]	. . . .	X[5]

[1]Compulsory retirement provision of a collective bargaining agreement, Calif., Ind., and Mo.; notwithstanding claimant's prior assent to establishment of program, Mass.; pursuant to a public or private plan, R.I..

[2]If individual, on layoff from regular ER, quits other work to return to regular employment.

[3]If left to accept permanent full-time work with another ER or to accept recall from a former ER, Kans., and Mich.; if left to accept better permanent full-time work, or if employed by two ER's but leaves one ER and remains employed with the other ER, and works at least 10 wks., and loses job under nondisqualifying circumstances, Ind.; if left to return to regular apprenticeable trade, Conn.; if left in good faith to accept new, permanent full-time work from which subsequent separation was for good cause attributable to the ER, Mass.; if left part-time work with a BP ER while continuing full-time work, if he attempted to return to part-time work that was available after being separated from the full-time work, Minn.. In Ohio, disqualification will not apply if left to accept recall from a prior ER for whom the individual has worked for a total of at least 5 yrs. An individual who accepts recall from a prior ER for whom he has worked for less than 5 yrs., or who accepts other covered work within 7 days, will not be disqualified if he works at least 3 wks. and earns lesser of 1-1/2 times his aww or $180; if left to accept other bona fide work that he held for at least 2 wks. or that pays him at least twice his wba, Ill.; if left to accept a job and worked at least 4 wks. and was paid an aww at least equal to the wages in the terminated employment, or if the hours of work are the same or greater, or was offered the opportunity for longer term employment, or if the position duties were closer to the individual's home than the terminated employment, Wis..

[4]Exceptions also made for separations for compelling personal reasons, Ark.; and illness of a spouse, dependent child, or other members of the immediate family, Colo., Conn., Ill., Iowa, Wisc.; may include drug dependency, Minn.; if reason for leaving was for such urgent, compelling and necessitous nature as to make separation involuntary, Mass.; health of the individual or another person who must be cared for by the individual if furnishes a written or documentary evidence of the health problem from a physician or hospital, Md.; if advised by physician and after recovery offered to return but regular or comparable work was unavailable, Kans.; if furnishes a written notice from physician, however, no benefits may be paid unless the EE notifies the ER of the physician's requirement and offers to return to work when capable within 60 days of the last day of work, N.Dak.; medically advised and certified by a practitioner that continued employment presents a health hazard, S.Dak.; a medically verified illness, injury, disability or pregnancy while still available for work, Tex.; for bona fide medical reasons, Wyo..

[5]Good cause restricted to that connected with the work or attributable to the ER, except as noted. In States without a restricted good cause, the exceptions to disqualification shown in this table are statutory. In N.H., restricted good cause is provided by regulation. In Miss. marital, filial, domestic reasons are not considered good cause.

Table 402.--Disqualification for Discharge for Misconduct[1]
(See Table 403 for Disqualification for Gross Misconduct)

State	Benefits postponed for[2][3]				Disqualification for disciplinary suspension (9 States)
	Fixed number of weeks[4] (5 States)	Variable number of weeks[4] (8 States)	Duration of unemployment[5] (42 States)	Benefits reduced or canceled[3][6] (12 States)	
(1)	(2)	(3)	(4)	(5)	(6)
Ala.[12]	. . . . .	W+3-7[3]	. . . . .	Equal	W+1-3
Alaska[1]	W+5[2][3]	. . . . .	. . . . .	3 x wba	. . . . .
Ariz.	. . . . .	. . . . .	+5 x wba	. . . . .	. . . . .
Ark.	W+7[4]	. . . . .	. . . . .	. . . . .	[7]
Calif.	. . . . .	. . . . .	+5 x wba[4]	. . . . .	. . . . .
Colo	WF+10	. . . . .	. . . . .	Equal[13]	. . . . .
Conn.[1]	. . . . .	. . . . .	+10 x wba	. . . . .	. . . . .
Del.	. . . . .	. . . . .	+4 wks. of work and 4 x wba	. . . . .	. . . . .
D.C.	. . . . .	. . . . .	+10 wks. of work and wages equal to 10 x wba	. . . . .	. . . . .
Fla.	. . . . .	W+1-52[2][3]	+17 x wba	. . . . .	Duration
Ga.[1][17]	. . . . .	. . . . .	+8[2][3] x wba	Equal	. . . . .
Hawaii	. . . . .	. . . . .	+5 wks. work	. . . . .	. . . . .
Idaho	. . . . .	. . . . .	+16 x wba[3]	. . . . .	. . . . .
Ill.	. . . . .	. . . . .	+wages equal to wba in each of 4 wks.	. . . . .	. . . . .
Ind.	. . . . .	. . . . .	+wages equal to wba in each of 8 wks.	By 25%	. . . . .
Iowa[1]	. . . . .	. . . . .	+10 x wba	. . . . .	. . . . .
Kans.	. . . . .	. . . . .	+3 x wba	. . . . .	. . . . .
Ky.	. . . . .	. . . . .	+10 wks. of covered work and wages equal to 10 x wba[3]	. . . . .	. . . . .
La.[18]	. . . . .	. . . . .	+10 x wba[3]	. . . . .	. . . . .
Maine	. . . . .	. . . . .	+4 x wba	. . . . .	. . . . .
Md.[1]	. . . . .	W+4-9[3]	. . . . .	. . . . .	. . . . .
Mass.	. . . . .	. . . . .	+4 x wba[3]	. . . . .	. . . . .
Mich.[9]	. . . . .	. . . . .	Lesser of 7 x wba or 40 x State min. hourly wage x 7	. . . . .	. . . . .
Minn.	. . . . .	. . . . .	+4 wks. of work and wages equal to 8 x wba	. . . . .	Duration

(Table continued on next page)

Table 402.--Disqualification for Discharge for Misconduct[1] (Continued)
(See Table 403 for Disqualification for Gross Misconduct)

State	Benefits postponed for[2/3]				Disqualification for disciplinary suspension (9 States)
	Fixed number of weeks[4] (5 States)	Variable number of weeks[4] (8 States)	Duration of unemployment[5] (42 States)	Benefits reduced or canceled[3/6] (12 States)	
(1)	(2)	(3)	(4)	(5)	(6)
Miss.	. . . . .	. . . . .	+8 x wba	. . . . .	. . . . .
Mo.[1]	. . . . .	WF+4-16[2/3/4]	. . . . .	. . . . .	. . . . .
Mont.	. . . . .	. . . . .	+wages equal to 8 x the wba	. . . . .	. . . . .
Nebr.	. . . . .	W+7-10 [3]	. . . . .	Equal[3]	. . . . .
Nev.	. . . . .	. . . . .	+wages equal to wba in each of 15 wks.	. . . . .	. . . . .
N.H.	. . . . .	. . . . .	+5 wks. work in each of which earned 20% more than wba [2]	. . . . .	Duration
N.J.	W+5	. . . . .	. . . . .	. . . . .	. . . . .
N.Mex.	. . . . .	. . . . .	+5 x wba in covered work	. . . . .	. . . . .
N.Y.	. . . . .	. . . . .	+3 days work in each of 5 wks. and 5 x wba	. . . . .	. . . . .
N.C.	. . . . .	[2/14]	+10 x wba earned in at least 10 wks.	[2]	[7]
N.Dak.	. . . . .	. . . . .	+10 x wba[2/3]	. . . . .	Duration
Ohio	. . . . .	. . . . .	+6 wks. in covered work [3/11]	. . . . .	Duration
Okla.	. . . . .	. . . . .	+10 x wba	. . . . .	. . . . .
Oreg.[1]	. . . . .	. . . . .	+4 x wba	8 x wba	. . . . .
Pa.[1]	. . . . .	. . . . .	+6 x wba	. . . . .	. . . . .
P.R.[1]	. . . . .	. . . . .	+4 wks. of work and wages equal to 10 x wba	. . . . .	. . . . .
R.I.	. . . . .	. . . . .	+20 x min hourly wage in each of 4 wks.	. . . . .	. . . . .
S.C.	. . . . .	WF+5-26	. . . . .	Equal	. . . . .
S.Dak.[1]	. . . . .	. . . . .	+6 wks. in covered work and wages equal to wba in each wk.[3]	. . . . .	. . . . .

(Table continued on next page)

Table 402.--Disqualification for Discharge for Misconduct[1] (Continued)
(See Table 403 for Disqualification for Gross Misconduct)

State	Benefits postponed for[2][3]				Disqualification for disciplinary suspension (9 States)
	Fixed number of weeks[4] (5 States)	Variable number of weeks[4] (8 States)	Duration of unemployment[5] (42 States)	Benefits reduced or canceled[3][6] (12 States)	
(1)	(2)	(3)	(4)	(5)	(6)
Tenn.	. . . . .	. . . . .	+10 x wba[3]	. . . . .	. . . . .
Tex.	. . . . .	. . . . .	+6 wks of work or wages equal to 6 x wba[4]	. . . . .	. . . . .
Utah	. . . . .	. . . . .	+6 x wba in covered work	. . . . .	. . . . .
Vt.	. . . . .	WF+6-12[4]	. . . . .	. . . . .	. . . . .
Va.	. . . . .	. . . . .	+30 days' work[3]	. . . . .	. . . . .
V.I.[1]	. . . . .	. . . . .	+4 wks. of work and 4 x wba	. . . . .	. . . . .
Wash.[1]	. . . . .	. . . . .	+ wages equal to wba in each of 5 wks.	. . . . .	. . . . .
W.Va.	W+6[3]	. . . . .	. . . . .	Equal[10]	. . . . .
Wis.	. . . . .	. . . . .	+7 wks. in covered work and wages equal to 14 x wba [9]	Benefit rights based on any work involved canceled[9]	[7]
Wyo.	. . . . .	. . . . .	+ qualifying wages	All accrued benefits forfeited	. . . . .

[1] In States noted, the disqualification for disciplinary suspensions is the same as that for discharge for misconduct.

[2] In Fla., both the term and the duration-of-unemployment disqualifications are imposed. Disqualification is terminated if claimant returns to work and earns 8 x wba, Alaska; 10 x wba, Mo.. In N.H., disqualification is terminated if either condition is satisfied. In N.Car., the Commission may reduce permanent disqualification to a time certain but not less than 5 weeks. When permanent disqualification changed to time certain, benefits shall be reduced by an amount determined by multiplying the number of weeks of disqualification by wba.

(Footnotes continued on next page)

(Footnotes for Table 402 Continued)

3/Disqualification applicable to other than last separation as indicated: preceding separation may be considered if last employment is not considered bona fide work, Ala.; when employment or time period subsequent to the separation does not satisfy a potential disqualification, Alaska, Fla., Idaho, La., Md., Mass., Mo., and Ohio; disqualification applicable to last 30-day employing unit, Va.; disqualification applicable to last 30-day employing unit on new claims and to most recent employer on additional claims S.Dak. and W.Va.; any ER with whom the individual earned 8 x wba, N.Dak., and 10 x wba, Tenn. Reduction or forfeiture of benefits applicable to separations from any BP employer, Ky. and Nebr.. In Mich. and Wis., benefits computed separately for each employer to be charged. When an employer's account becomes chargeable, reason for separation from that employer is considered.

4/W Means week of discharge or week of suspension in column 6 and WF means week of filing except that disqualification period begins with: week for which claimant first registers for work, Calif.; week following filing of claim, Okla., Tex., and Vt.. Weeks of disqualification must be: otherwise compensable weeks, Mo., S.Dak.; weeks in which claimant is otherwise eligible or earns wages equal to wba, Ark..

5/Figures show minimum employment or wages required to requalify for benefits.

6/"Equal" indicates a reduction equal to the wba multiplied by the number of wks. of disqualification or, in Nebr., by the number of wks. chargeable to ER involved, whichever is less.

7/Disqualified for the lesser of 8 wks. or the duration of suspension, Ark.; disqualified for each wk. of suspension plus 3 wks. if connected with employment, first 3 wks. of suspension for other good cause, and each wk. when employment is suspended or terminated because a legally required license is suspended or revoked, Wis.; disqualified if claim filed at the time of disciplinary suspension, N.C..

9/Claimant may be eligible for benefits based on wage credits earned subsequent to disqualification, Mich. and Wis..

10/Deduction recredited if individual returns to covered employment for 30 days in BY, W.Va..

11/And earned wages equal to 3 x aww or $360, whichever is less, (until October 1988, $510.60) Ohio.

12/An individual discharged for deliberate misconduct connected with the work after repeated warnings is ineligible for the duration of unemployment and until claimant has earned 10 x wba and the total benefit amount reduced by 6-12 wks., Ala..

13/Reduction in benefits because of a single act shall not reduce potential benefits to less than one wk., Colo..

14/Disqualifies an individual for substantial fault on the part of the claimant that is connected with his work but not rising to the level of misconduct. The disqualification will vary from 4-13 wks. depending on the circumstances, N.C..

17/An individual shall be disqualified if separated from training approved by the Commissioner, due to claimant's failure to abide by rules of the training facility, Ga..

18/An individual shall be disqualified for the use of illegal drugs on or off the job, La..

Table 403.--Disqualification for Discharge for Gross Misconduct
(See Table 402 for Misconduct)

State	Benefits postponed for[2]			Benefits reduced or canceled (19 States)
	Fixed number of weeks[2] (4 States)	Variable number of weeks[2] (5 States)	Duration of unemployment (14 States)	
(1)	(2)	(3)	(4)	(5)
Ala.	. . . . .	. . . . .	+10 x wba[2]	Wages earned from ER involved canceled.
Ark.	. . . . .	. . . . .	+10 wks. of work in each of which he earned his wba.	. . . . .
Colo.	26	. . . . .	. . . . .	Equal
Fla.	. . . . .	Up to 52	+10 x wba	. . . . .
Ga.	. . . . .	. . . . .	[3]	. . . . .
Ill.	. . . . .	. . . . .	. . . . .	Wages earned from any ER canceled.[4]
Ind.	. . . . .	. . . . .	. . . . .	Wages earned from ER involved canceled.[4]
Iowa	. . . . .	. . . . .	. . . . .	All prior wage credits canceled.
Kans.	. . . . .	. . . . .	+8 x wba.	All prior wage credits canceled.
Ky.	. . . . .	. . . . .	X	. . . . .
La.	. . . . .	. . . . .	+10 x wba.[2]	Wages earned from ER involved canceled.[2]
Maine	. . . . .	. . . . .	Greater of $600 or 8 x wba	. . . . .
Md.	. . . . .	. . . . .	+10 x wba.	. . . . .
Mich.	. . . . .	. . . . .	Lesser of 7 x wba or 40 x State min. hourly wage x 7[6]	Equal - in current or succeeding BY.
Minn.	. . . . .	. . . . .	+4 wks. of work and wages equal to 4 x wba[1]	Wages earned from ER involved canceled.
Mo.	. . . . .	WF+4-16[2/5]	. . . . .	Optional.[5]
Mont.	12 months	. . . . .	. . . . .	Equal.
Nebr.	. . . . .	. . . . .	. . . . .	All prior wage credits canceled.
Nev.	. . . . .	. . . . .	. . . . .	Ben. rights based on any work involved canceled.[3]
N.H.	. . . . .	W+4-26[3]	. . . . .	All prior wage credits canceled.
N.J.	. . . . .	. . . . .	+4 wks. of covered work and wages equal to 6 x wba	Wages earned from ER involved canceled.
N.Y.	12 months[2]	. . . . .	. . . . .	. . . . .
N.Dak.	One year	. . . . .	. . . . .	. . . . .
Ohio	. . . . .	. . . . .	. . . . .	Ben. rights based on any work involved canceled.[2]

(Table continued on next page)

Table 403.--Disqualification for Discharge for Gross Misconduct (Continued)
(See Table 402 for Misconduct)

State (1)	Benefits postponed for[2/]: Fixed number of weeks[2/] (4 States) (2)	Benefits postponed for[2/]: Variable number of weeks[2/] (5 States) (3)	Benefits postponed for[2/]: Duration of unemployment (14 States) (4)	Benefits reduced or canceled (19 States) (5)
Oreg.	. . . . .	. . . . .	. . . . .	All prior wage credits canceled.
S.C.	. . . . .	WF+5-26	. . . . .	Optional equal.
Utah	. . . . .	W+13-49	. . . . .	. . . . .
Vt.	. . . . .	. . . . .	+in excess of 6 x wba	. . . . .
Wash.	. . . . .	. . . . .	. . . . .	All prior wage credits canceled.[3/]
W.Va.	. . . . .	. . . . .	+30 days in covered work.[2/]	. . . . .

[1/] In Minn., at discretion of commissioner, disqualification for gross misconduct until he has earned four times his wba in insured work, or for the remainder of the BY.

[2/] W means wk. of discharge and WF means wk. of filing claim. Applies to other than most recent separation from bona fide work only if ER files timely notice alleging disqualifying act, Ala. Disqualification applicable to other than last separation, as indicated: from beginning of BP, La. and Ohio if unemployed because of dishonesty in connection with employment; within 1 yr. preceding a claim, Mo.. No days of unemployment deemed to occur for following 12 months if claimant is convicted or signs statement admitting act which constitutes a felony in connection with employment, N.Y.. Reduction or forfeiture of benefits applicable to either most recent work or last 30-day employing unit, W.Va..

[3/] If discharged for assault or for theft at $100 or less, +12 x wba; if discharged for property loss or damages up to $2,000, theft over $100, sabotage or embezzlement, +16 x wba, Ga.. If discharged for intoxication or use of drugs which interferes with work, 4-26 wks.; for arson, sabotage, felony, or dishonesty, all prior wage credits canceled, N.H.. If discharged for assault, arson, sabotage, grand larceny, embezzlement or wanton destruction of property in connection with work, claimant shall be denied benefits based on wages earned from that employer if admitted in writing or under oath or in a hearing of record or has resulted in a conviction, Nev.. If discharged for a felony or gross misdemeanor of which convicted or has admitted committing to a competent authority and is work connected all base year credits earned in any employment prior to discharge shall be canceled, Wash..

[4/] Benefit rights held in abeyance pending result of legal proceedings; if gross misconduct constitutes a felony or misdemeanor and is admitted by the individual or has resulted in conviction in a court of competent jurisdiction, Ill. and Ind..

[5/] Option taken by the agency to cancel all or part of wages depends on seriousness of misconduct. Only wage credits canceled are those based on work involved in misconduct.

[6/] Claimant may be eligible for benefits based on wage credits earned subsequent to disqualification.

Table 404.--Refusal of Suitable Work

State (1)	Benefits postponed for--[1][2]/ Fixed number of weeks[3]/ (6 States) (2)	Variable number of weeks[3]/ (8 States) (3)	Duration of unemployment[4]/ (41 States) (4)	Benefits reduced[2][5]/ (13 States) (5)	Alternative earnings requirement (3 States) (6)
Ala.	. . . . .	W+1-10	. . . . .	. . . . .	. . . . .
Alaska	W+5	. . . . .	. . . . .	3 x wba	8 x wba
Ariz	. . . . .	. . . . .	+8 x wba	. . . . .	. . . . .
Ark.	W+7[3]/	. . . . .	. . . . .	. . . . .	. . . . .
Calif.	. . . . .	W+1-9[3][6]/	. . . . .	. . . . .	. . . . .
Colo.	W+20	. . . . .	. . . . .	Equal	. . . . .
Conn.	. . . . .	. . . . .	+6 x wba	. . . . .	. . . . .
Del.	. . . . .	. . . . .	+4 wks. of work and 4 x wba	. . . . .	. . . . .
D.C.	. . . . .	. . . . .	+10 wks. work and wages equal to 10 x wba	. . . . .	. . . . .
Fla.	. . . . .	W+1-5[1][14]/	+17 x wba[1]/	Optional 1-3 x wba [14]/	. . . . .
Ga.	. . . . .	. . . . .	+8 x wba	. . . . .	. . . . .
Hawaii	. . . . .	. . . . .	+5 wks. work	. . . . .	. . . . .
Idaho	. . . . .	. . . . .	+16 x wba	. . . . .	. . . . .
Ill.	. . . . .	. . . . .	+wages equal to wba in each of 4 wks.	. . . . .	. . . . .
Ind.	. . . . .	. . . . .	+wages equal to wba in each of 4 wks.	By 25%	. . . . .
Iowa	. . . . .	. . . . .	+10 x wba	. . . . .	. . . . .
Kans.	. . . . .	. . . . .	+3 x wba	. . . . .	. . . . .
Ky.	. . . . .	. . . . .	+10 wks. of covered work and wages equal to 10 x wba	. . . . .	. . . . .
La.	. . . . .	. . . . .	+10 x wba	. . . . .	. . . . .
Maine	. . . . .	. . . . .	+8 x wba[8]/	. . . . .	. . . . .
Md.	. . . . .	W+4-9[1]/	. . . . .	. . . . .	10 x wba[1]/
Mass.	W+7	. . . . .	. . . . .	[12]/	. . . . .
Mich.	W+6[3]/	. . . . .	. . . . .	Equal - in current or succeeding By[7]/	. . . . .
Minn.	. . . . .	. . . . .	+4 wks. of work and wages equal to 8 x wba	. . . . .	. . . . .
Miss.	. . . . .	W+1-12	. . . . .	. . . . .	. . . . .
Mo.	. . . . .	. . . . .	+10 x wba	. . . . .	. . . . .
Mont.	. . . . .	. . . . .	+6 x wba	Equal	. . . . .
Nebr.	. . . . .	W+7-10	. . . . .	Equal	. . . . .

(Table continued on next page)

Table 404.--Refusal of Suitable Work (Continued)

State	Benefits postponed for--1/2/			Benefits reduced2/5/ (13 States)	Alternative earnings requirement (3 States)
	Fixed number of weeks3/ (6 States)	Variable number of weeks3/ (8 States)	Duration of unemployment4/ (41 States)		
(1)	(2)	(3)	(4)	(5)	(6)
Nev.	. . . . .	. . . . .	+wages equal to wba in each wk up to 15	. . . . .	. . . . .
N.H.	. . . . .	. . . . .	+5 wks. of covered work with earnings equal to 20% more than wba in each	. . . . .	. . . . .
N.J.	W+3	. . . . .	. . . . .	. . . . .	. . . . .
N.Mex.	. . . . .	. . . . .	+5 x wba	Equal	. . . . .
N.Y.	. . . . .	. . . . .	+3 days' work in each of 5 wks. and 5 x wba	. . . . .	. . . . .
N.C.	. . . . .	13/	+10 x wba earned in at least 5 wks.	13/	. . . . .
N.Dak.	. . . . .	. . . . .	+10 x wba	. . . . .	. . . . .
Ohio	. . . . .	. . . . .	+6 wks. in covered work10/	. . . . .	. . . . .
Okla.	. . . . .	. . . . .	+10 x wba 15/	. . . . .	. . . . .
Oreg.	. . . . .	. . . . .	X	8 x wba	4 x wba
Pa.	. . . . .	. . . . .	X	. . . . .	. . . . .
P.R.	. . . . .	. . . . .	+4 wks. of work and wages equal to 10 x wba	. . . . .	. . . . .
R.I.	. . . . .	. . . . .	+20 x min. hourly wage in each of 4 wks.	. . . . .	. . . . .
S.C.	. . . . .	. . . . .	+8 x wba	. . . . .	. . . . .
S.Dak.	. . . . .	. . . . .	+6 wks. of covered work and wages equal to wba in each wk.	. . . . .	. . . . .
Tenn.	. . . . .	. . . . .	+10 x wba in covered work	. . . . .	. . . . .
Tex.	. . . . .	. . . . .	+6 wks. of work or wages equal to 6 x wba2/	. . . . .	. . . . .
Utah	. . . . .	. . . . .	+6 x wba8/	. . . . .	. . . . .
Vt.	. . . . .	. . . . .	+in excess of 6 x wba	. . . . .	. . . . .
Va.	. . . . .	. . . . .	+30 days' work	. . . . .	. . . . .

(Table continued on next page)

Table 404.--Refusal of Suitable Work (Continued)

State	Benefits postponed for--[1][2]			Benefits reduced[2][5] (13 States)	Alternative earnings requirement (3 States)
	Fixed number of weeks[3] (6 States)	Variable number of weeks[3] (8 States)	Duration of unemployment[4] (41 States)		
(1)	(2)	(3)	(4)	(5)	(6)
V.I.	. . . . .	. . . . .	+4 wks. of work and 4 x wba	. . . . .	. . . . .
Wash.	. . . . .	. . . . .	Earnings equal to wba in each of 5 wks.	. . . . .	. . . . .
W.Va.	. . . . .	W+4[9]	. . . . .	Equal	. . . . .
Wis.	. . . . .	. . . . .	+7 wks. in covered work and wages equal to 14 x wba[8]	By 50%	. . . . .
Wyo.	. . . . .	. . . . .	+12 wks. work and wages equal to 12 x wba	. . . . .	. . . . .

[1] In Fla. both the term and the duration-of-unemployment disqualifications are imposed. In Md. either disqualification may be imposed at discretion of agency. However, satisfaction of type not assessed does not serve to end assessed disqualification.

[2] Disqualification is applicable to refusals during other than current period of unemployment as indicated: within current BY, Tex..

[3] W means wk. of refusal of suitable work and WF means wk. of filing. Wks. of disqualification must be: wks. in which claimant is otherwise eligible or earns wages equal to wba, Ark.; wks. in which claimant earns at least $25.01 or otherwise meets eligibility requirements, Mich.; wks. in which claimant meets reporting and registration requirements, Calif.. Disqualification may run into next BY which begins within 12 months after end of current yr., N.C.. "Weeks of employment" means all those wks. within each of which the individual has worked for not less than 2 days or 4 hrs./wk., Hawaii.

[4] Figures show min. employment or wages required to requalify for benefits.

[5] "Equal" indicates a reduction equal to the wba multiplied by the number of wks. of disqualification. "Optional" indicates reduction at discretion of agency.

[6] Agency may add 1-8 wks. more for successive disqualifications, Calif..

[7] Claimant may be eligible for benefits based on wage credits earned subsequent to refusal, Mich..

[8] If claimant has refused work for a necessitous and compelling reason, disqualification terminates when such claimant is again able and available for work, Maine. Not disqualified if reasons for such refusal were under circumstances of such a nature that disqualification would be contrary to equity and good conscience, Utah. Not disqualified if accepts work which claimant could have refused with good cause and then terminates with good cause within 10 wks. after starting work, Wis..

(Footnotes continued on next page)

(Footnotes for Table 404 Continued)

9/Plus such additional wks. as offer remains open, W.Va..

10/And earned wages equal to 3 x aww or $360, whichever is less, (until October 1988, $510.60) Ohio..

12/Plus benefits may be reduced for as many wks. as the director shall determine from the circumstances of each case, not to exceed 8 wks., Mass..

13/In N.Car. the Commission may reduce permanent disqualification to a time certain but not less than 5 wks. When permanent disqualification changed to time certain, benefits shall be reduced by an amount determined by multiplying the number of wks. of disqualification by wba.

14/Aliens who refused resettlement or relocation employment are disqualified 1-17 wks. or reduction by not more than 5 wks., Fla..

15/An individual who refuses an offer of work due to illness, death of a family member or other circumstances beyond the individual's control will be disqualified for the wk. of occurrence, Okla..

Table 405.--Disqualification for Unemployment Caused by Labor Dispute

State	Duration of disqualification			Disputes excluded if caused by--			Individuals are excluded if neither they nor any of the same grade or class are--		
				Employer's failure to conform to--					
	During stoppage of work due to dispute (24 States)	While dispute in active progress (13 States)	Other (16 States)	Contract (7 States)	Labor law (7 States)	Lockout (22 States)	Participating in dispute (44 States)	Financing dispute (30 States)	Directly interested in dispute (44 (States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ala.		X							
Alaska	X			X	X		X		X
Ariz.			X[1]	X	X		X	X	X
Ark.			X[2]			X	X		X
Calif.		X				X[3]			
Colo.			X[2]			X[10]	X	X	X
Conn.			X[1]			X	X	X	X
Del.	X								
D.C.		X				X	X		X
Fla.		X					X	X	X
Ga.	X[11]					X	X	X	X
Hawaii	X						X		X
Idaho			X[1]				X	X[4]	X
Ill.	X						X	X	X
Ind.			X[2][9]				X	X	X
Iowa	X						X	X	X
Kans.	X						X[7]	X	X[7]
Ky.		X				X			
La.		X					X[4]		X[4]
Maine	X[5]			X	X		X	X	X
Md.	X					X	X	X	X
Mass.	X[5][11]						X	X	X
Mich.			X[2]			X[10]	X[4]	X[4]	X[4]
Minn.		X		X	X	X	X[12]		X[12]
Miss.	X					X	X		X

(Table continued on next page)

Table 405.--Disqualification for Unemployment Caused by Labor Dispute (Continued)

State	Duration of disqualification			Disputes excluded if caused by--			Individuals are excluded if neither they nor any of the same grade or class are--		
				Employer's failure to conform to--					
	During stoppage of work due to dispute (24 States)	While dispute in active progress (13 States)	Other (16 States)	Contract (7 States)	Labor law (7 States)	Lockout (22 States)	Participating in dispute (44 States)	Financing dispute (30 States)	Directly interested in dispute (44 (States)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Mo.	X[2]						X	X	X
Mont.			X[1]		X		X	X	X
Nebr.	X						X	X	X
Nev.		X					X	X	X
N.H.	X[2][5]			X	X		X	X	X
N.J.	X						X	X	X
N.Mex.			X[1]				X		X
N.Y.			X[6]						
N.C.			X[2]						
N.Dak.			X[1]				X		X
Ohio			X[1][10]			X			
Okla.	X					X	X		X
Oreg.		X[10]		X			X	X	X
Pa.	X					X	X		X
P.R.	X						X		X
R.I.			X[1]			X	X[4]	X[4]	X[4]
S.C.		X					X	X[4]	X
S.Dak.			X[1]			X	X	X	X
Tenn.		X[5][10]				X	X		
Tex.	X[7]					X[3]	X[7]	X[7]	X[7]
Utah	X[5][10]				X	X[3]			[2]
Vt.	X						X[4]	X[4]	X[4]
Va.			X[2]				X	X	X
V.I.		X				X	X		X
Wash.	X						X	X	X
W.Va.	X[11]			X[8]		X	X	X	X
Wis.		X				X			
Wyo.	X						X	X	X

(Footnotes on next page)

(Footnotes for Table 405)

1/So long as unemployment is caused by existence of labor dispute.
2/See text for details.
3/By judicial construction of statutory language.
4/Applies only to individual, not to others of same grade or class.
5/Disqualification is not applicable if claimant subsequently obtains covered employment and: earns 8 x wba or has been employed 5 full wks. in covered employment, Maine; earns at least $1,200, Mass.; works at least 5 consec. wks. in each of which claimant earned 120% of wba, N.H.; earns 10 x wba, Tenn.; earns $700 with at least $20 in each of 19 different calendar wks., Utah. However, BPW earned from ER involved in the labor dispute cannot be used to pay benefits during such labor dispute, Mass. and Utah.
6/Fixed period: 7 consec. wks. and the waiting period or until termination of dispute, N.Y.. (See Table 303 for waiting period requirements.
7/So long as unemployment is caused by claimant's stoppage of work which exists because of labor dispute. Failure or refusal to cross picket line or to accept and perform available and customary work in the establishment constitutes participation and interest.
8/Disqualification is not applicable if employees are required to accept wages, hours, or other conditions substantially less favorable than those prevailing in the locality or are denied the right of collective bargaining.
9/Disqualification not applicable to any claimant who failed to apply for or accept recall to work with an ER during a labor dispute work stoppage if claimant's last separation from ER occurred prior to work stoppage and was permanent, Ind..
10/Applicable only to establishments functionally integrated with the establishments where the lockout occurs, Mich.. Employee not ineligible: unless the lockout results from demands of employees as distinguished from an ER effort to deprive the employees of some advantage they already possess, Colo.; if individual was laid off and not recalled prior to the dispute, if separated prior to the dispute, if obtained bona fide job with another ER while dispute was in progress, Ohio; if the individual was laid off prior to dispute and did not work more than 7 days during the 21 cal. days immediately prior to the dispute or if his position was filled and the individual unilaterally abandons the dispute to seek reemployment with the ER, Oreg.; if the claimant was indefinitely separated prior to the dispute and otherwise eligible, Tenn.; if the ER was involved in fomenting the strike, Utah.
11/Disqualification ceases: when operations have been resumed but individual has not been reemployed, Ga.; within 1 wk. following termination of dispute if individual is not recalled to work, Mass.. If the stoppage of work continues longer than 4 wks. after the termination of the labor dispute, there is a rebuttable presumption that the stoppage is not due to the labor dispute and the burden is on the ER to show otherwise, W.Va..
12/Disqualification limited to 1 wk. for individuals not participating in nor directly interested in dispute.

Table 406.--Disqualification Provisions for Marital Obligations - 12 States

State	Disqualification if voluntarily left work to			Benefits denied until	
	Marry (6 States)	Move with spouse (7 States)	Perform marital, domestic, or filial obligations (6 States)	Subsequently employed in bona fide work (1 State)	Had employment or earnings for time or amount specified (10 States)
(1)	(2)	(3)	(4)	(5)	(6)
Colo.	X	6/	. . . . .	. . . . .	2/
Idaho 1/	X	X	X	. . . . .	16 x wba 3/
Md.	. . . .	X	. . . . .	. . . . .	. . . . .
Miss.	. . . .	. . . . .	X	. . . . .	8 x wba
Nev. 1/	X	X	X	X	. . . . .
N.Y.	X	. . . . .	. . . . .	. . . . .	5 x wba 4/
Ohio	X	. . . . .	X	. . . . .	$60 4/
Tex.	. . . .	X	. . . . .	. . . . .	2/
Utah	. . . .	X	. . . . .	. . . . .	6 x wba
Va.	. . . .	X	. . . . .	. . . . .	+30 days work
Wash.	. . . .	. . . . .	X	. . . . .	wba in each of 5 wks. 4/
W.Va.	X	. . . . .	X	. . . . .	30 days 3/

1/Not applicable if sole or major support of family at time of leaving and filing a claim, Nev.; if claimant becomes main support of self and family, Idaho.

2/Up to 25 wks. of disqualification for leaving to marry, Colo.; 6-25 wks. of disqualification for leaving to move with spouse, Tex..

3/Must be in insured work, W.Va.; bona fide work, Idaho.

4/Or until employed on not less than 3 days in each of 5 wks., N.Y.; or earns one-half aww, if less, Ohio; or 10 wks. in which claimant was otherwise eligible, Wash..

5/Expressed in law as moving to maintain contiguity with another person or persons.

Table 407.--Special Provisions for Students

State	Voluntarily leaving to attend school (2)	Ineligible during school attendance (3)	State (1)	Voluntarily leaving to attend school (2)	Ineligible during school attendance (3)
AL	. . . . .	. . . . .	MT	. . . . .	Disqualified[1]
AK	. . . . .	Disqualified[2]	NE	. . . . .	Disqualified[2]
AZ	. . . . .	. . . . .	NV	. . . . .	. . . . .
AR	. . . . .	. . . . .	NH	. . . . .	. . . . .
CA	. . . . .	Unavailable[2]	NJ	. . . . .	Disqualified[1][2]
CO	Disqualified	. . . . .	MM	. . . . .	Disqualified [2]
CT	Disqualified	[2]	NY	. . . . .	. . . . .
DE	. . . . .	. . . . .	NC	. . . . .	Unavailable[1][2]
DC	. . . . .	. . . . .	ND	. . . . .	Disqualified
PL	. . . . .	. . . . .	OH	. . . . .	[2]
GA	. . . . .	. . . . .	OK	. . . . .	. . . . .
HI	. . . . .	. . . . .	OR	. . . . .	. . . . .
ID	. . . . .	Not unemployed	PA	. . . . .	. . . . .
IL	. . . . .	Unavailable[1]	PR	. . . . .	. . . . .
IN	. . . . .	. . . . .	RI	. . . . .	. . . . .
IA	. . . . .	Not unemployed	SC	. . . . .	. . . . .
			SD	. . . . .	. . . . .
KS	. . . . .	. . . . .	TN	. . . . .	. . . . .
KY	. . . . .	. . . . .	TX	Disqualified	. . . . .
LA	. . . . .	Unavailable[1][2]	UT	. . . . .	Disqualified[1][2]
ME	. . . . .	. . . . .	VT	. . . . .	. . . . .
MD	Disqualified	. . . . .	VA	. . . . .	. . . . .
MA	. . . . .	. . . . .	VI	. . . . .	. . . . .
MI	. . . . .	. . . . .	WA	Disqualified[2]	Disqualified[2]
MN	. . . . .	Unavailable[1][2]	WV	Disqualified	. . . . .
MS	. . . . .	. . . . .	WI	. . . . .	. . . . .
MO	. . . . .	. . . . .	WY	. . . . .	. . . . .

[1] Disqualification or ineligibility continues during vacation periods, Ill., La., Minn., Mont., N.J., N.C., and Utah.

[2] Not applicable to students who have worked part-time during school and are available for part-time work during school, Calif.. Not applicable to student who loses job while in school and is available for suitable work, La.. Not applicable to individual who, during base year, earned wages sufficient to qualify for benefits while attending school, N.J.. Not disqualified if major part of bpw were for services performed while attending school, Minn., Neb., Utah; if full-time work is concurrent with school attendance, N.C.. Individual who becomes unemployed while attending school and whose bpw were at least partially earned while attending school meets availability and work search requirements if he makes himself available for suitable employment on any shift, Ohio. An individual who becomes unemployed while attending school will meet the availability and work search requirements if he restricts his efforts to employment that does not conflict with his regular class hours and if he was employed on a full-time basis during the 2 yrs. prior to separation while he was in school, Conn.. Disqualification applies if individual is registered at a school that provides instruction of 10 or more hours per wk., Alaska; and 12 or more hours per wk., Wash.. Disqualifies an individual, other than those in approved training, attending classes during the hours of 8 a.m. to 6 p.m., N.Mex..

Table 408.--Penalties for Fraudulent Misrepresentation: Fine or Imprisonment or Both in Amounts and Periods Specified

State[1]	To obtain or increase benefits		To prevent or reduce benefits	
	Fine[2]	Maximum imprisonment (days unless otherwise specified)	Fine[2]	Maximum imprisonment (days unless otherwise specified)
(1)	(2)	(3)	(4)	(5)
Ala.	$50-$500	1 yr.	$50-$500[4]	1 yr.[4]
Alaska	[5]	[5]	[5]	[5]
Ariz.	25-200	60	25-200	60
Ark.	20-50	30	20-200	60
Calif.	[16]	[16]	[16]	[16]
Colo.	25-1,000	6 mos.	25-1,000	6 mos.
Conn.	[10]	[10]	[10]	[10]
Del.	20-50	60	20-200	60
D.C.	100	60	1,000	6 mos.
Fla.	[6]	[6]	[6]	[6]
Ga.	[5]	[5]	[5]	[5]
Hawaii	[11]	[11]	20-200	60
Idaho	[6]	[6]	20-200	60
Ill.	5-200	6 mos.	5-200	6 mos.
Ind.	20-500	6 mos.	20-100	60
Iowa	[13]	[13]	[13]	[13]
Kans.	[8]	[8]	20-200	60
Ky.	10-50	30	10-50	30
La.	50-1,000	30-90	50-1,000	30-90
Maine	[9]	[9]	[9]	[9]
Md.	[5]	[5]	[5]	[5]
Mass.	100-1,000	6 mos.	100-1,000	6 mos.
Mich.	1,000[14]	90	1,000	90
Minn.	[8]	[8]	[6]	[6]
Miss.	100-500	30	100-1,000	60
Mo.	50-1,000	6 mos.	50-1,000	6 mos.
Mont.	[9]	[9]	50-500	3-30
Nebr.	[5]	[5]	[5]	[5]
Nev.	50-500	6 mos.	50-500	6 mos.
N.H.	[5]	[5]	[12]	[12]
N.J.	[15]	. . . .	100	. . . . .
N.Mex.	100	30	100	30
N.Y.	500	1 yr.	500	1 yr.
N.C.	[5]	[5]	[5]	[5]
N.Dak.	[5]	[5]	[5]	[5]
Ohio	500	6 mos.	500 [4]	. . . . .
Okla.	50-500[5]	90	50-500	90
Oreg.	100-500	90	100-500	90
Pa.[1]	30-200	30	50-500	30
P.R.[1]	[7]	[7]	1,000	1 yr.
R.I.	20-50	30	20-200[4]	60
S.C.	20-100	30	20-100	30

(Table continued on next page)

Table 408.--Penalties for Fraudulent Misrepresentation: Fine or Imprisonment or Both in Amounts and Periods Specified

State[1]	To obtain or increase benefits		To prevent or reduce benefits	
	Fine[2]	Maximum imprisonment (days unless otherwise specified)	Fine[2]	Maximum imprisonment (days unless otherwise specified)
(1)	(2)	(3)	(4)	(5)
S.Dak.	[3]	[3]	$20-$200	60
Tenn.	[5]	[5]	[6]	[6]
Tex.	100-500	30-1 yr.	20-200	60
Utah.	50-250	60	50-250	60
Vt.	50	30	50 [4]	30 [4]
Va.	[5]	[5]	[5]	[5]
V.I.	25-200	60	25-200	60
Wash.	20-250	90	20-250	90
W.Va.	100-500	30	20-200[4]	30 [4]
Wis.	100-500	90	100-500	90
Wyo.	2,000	60	750	60

[1] In States footnoted, law does not require both fine and imprisonment, except Pa. to obtain or increase benefits; and P.R to obtain or increase benefits, and to prevent or reduce benefits.

[2] Where only 1 figure is given, no minimum penalty is indicated; law says "not more than" amounts specified.

[3] S.Dak. Class I misdemeanor if amount if $200 or less; Class 6 felony if amount is more than $200.

[4] General penalty for violation of any provisions of law; no specific penalty for misrepresentation to prevent or reduce benefits and, in Vt., to obtain or increase benefits. In Ohio, penalty for each subsequent offense, $25-1,000.

[5] Misdemeanor. Class I misdemeanor, Va.; Class III misdemeanor, Nebr..

[6] Felony. Felony if the payment exceeds $250, Minn..

[7] Penalty prescribed in Penal Code for larceny of amount involved.

[8] Theft of less than $50 is a misdemeanor and theft of $50 or more is a felony, Kans.; theft, Minn..

[9] Crime, Mont., Class D crime, Maine.

[10] Class A misdemeanor if the amount in question is $500 or less; Class D felony if the amount involved is more than $500.

[11] Misdemeanor if the amount in question is less than $200; Class C felony if amount in question is $200 or more.

[12] Misdemeanor if committed by individual, felony if committed by corporation.

[13] Fraudulent practice.

[14] Claimant must pay restitution of benefits plus penalty of 100 percent of restitution, not to exeed $1,000, in a BY established within 2 years after cancellation before receiving benefits.

[15] Greater of $20 or 25 percent of amount fraudulently received.

[16] California provides for a penalty of 1 yr. in a county jail or State prison or a fine of no more than $20,000 or both at the discretion of the court.

Table 409.--Disqualification for Fraudulent Misrepresentation to Obtain Benefits, 53 States

State (1)	Duration of disqualification[1] (2)	Benefits reduced or canceled (3)
Ala.	. . . . .	4 x wba--to max. benefit amount payable in BY[2]
Alaska	6-52	[4]
Ariz.	1-52 wks.[1][3]	[4]
Ark.	W+13 wks. +3 wks. for each wk. of fraud[1]	50% of remaining entitlement
Calif.	1-10; if convicted, 52 wks.[1][3][7]	[4]
Colo.	[8]	[8]
Conn.	2-39 wks. for which otherwise eligible[1][3]	Mandatory equal reduction
Del.	W+51	x [9]
D.C.	All or part of remainder of BY and for 1 yr. commencing with the end of such BY [2]	x [9]
Fla.	1-52 wks.[1]	[4]
Ga.	Remainder of current quarter and next 4 quarters[3]	Mandatory equal reduction[3]
Hawaii	24 months[1][3]	[9]
Idaho	W+52[1]; amounts fraudulently received must be repaid or deducted from future benefits.	x [9]
Ill.	W+6 wks.[1][5]	[4]
Ind.	Up to current BY + [6]	All wage credits prior to act canceled.
Iowa	Up to current BY [1]	Mandatory equal reduction
Kans.	1 yr. after act committed or 1st day following last wk. for which benefits were paid, whichever is later	x [9]
Ky.	W+up to 52 wks; if fraudulent benefits received, until such amounts are repaid or 10 yrs.[1][3]	[4]
La.	W+52; if fraudulent benefits received, until such amounts are repaid[1]	x [9]
Maine	6 months-1 yr.[1]	. . . . .
Md.	1 yr,. and until benefits repaid[1][3]	x [9]
Mass.	1-10 wks. for which otherwise eligible[1][2]	. . . . .
Mich.	Current BY and until such amounts are repaid or withheld[1][11]	All uncharged credit weeks canceled [11]
Minn.	W+up to 52 wks. [1]	[4]
Miss.	W+up to 52 wks.[1]	X
Mo.	Up to current BY + [6]	All or part of wage credits prior to act canceled.
Mont.	1-52 wks. and until benefits repaid[1]	. . . . .
Nebr.	Up to current BY + [6]	All or part of wage credits prior to act canceled.

(Table continued on next page)

Table 409.--Disqualification for Fraudulent Misrepresentation to Obtain Benefits, 53 States (Continued)

State (1)	Duration of disqualification[1] (2)	Benefits reduced or canceled (3)
Nev.	W+1-52	x [9]
N.H.	4-52 wks; if convicted 1 yr. after conviction; and until benefits repaid or withheld[1][2]	Mandatory equal reduction
N.J.	1 year [1]	[4]
N.Mex.	Not more than 52 wks [1]	x [9]
N.Y.	4-80 days for which otherwise eligible[1][3]	Mandatory equal reduction
N.C.	1 yr. after act committed or after last wk. in which benefits fraudulently received, whichever is later [3]	x [9]
N.Dak.	W+51	x [9]
Ohio	Duration of unemployment +6 wks. in covered work	x [12]
Okla.	W+51 [1][3]	BP or BY may not be established during period.
Oreg.	Up to 26 wks; if convicted, until benefits repaid or withheld[1][3]	If convicted, all wage credits prior to conviction canceled[6]
Pa.	2 wks. plus 1 wk. for each wk. of fraud or, if convicted of illegal receipt of benefits, 1 yr. after conviction [2][3][11]	x [9]
P.R.	W+51 [1][3]	. . . . .
R.I.	If convicted, 1 yr. after conviction	x [9]
S.C.	W+10-52 [1]	[4]
S.Dak.	1-52 wks.[1]	[4]
Tenn.	W+4-52 [1]	[4]
Tex.	Current BY	Benefits or remainder of BY canceled.
Utah	W+13-49; and until benefits received fraudulently are repaid [15]	x [9]
Vt.	If not prosecuted, until amount of fraudulent benefits are repaid or withheld +1-26 wks. [1][3]	[4]
Va.	W+52 and until benefits repaid; if convicted, 1 yr., after conviction [1][3]	[4]
V.I.	W+51 [1][3]	x [4]
Wash.	Wk. of fraudulent act +26 wks. following filing of first claim after determination of fraud [3]	x [9]
W.Va.	W+52 wks. [1]	. . . . .
Wis.	Each wk. of fraud	1-4 x wba[2][14]
Wyo.	If convicted, 2 years after conviction	[4]

(Footnotes on next page)

(Footnotes for Table 409)

1/W means wk. in which act occurs plus the indicated number of consec. wks. following: Period of disqualification is measured from date of determination of fraud, Hawaii, Idaho, Ill., Iowa., La., Md., Minn., Mont., N.H., N.Mex., Okla., P.R., S.C., Va.; and W.Va.; mailing date of determination, Maine; date of redetermination of fraud Vt.; date of claim or registration for work, Ariz.; wk. determination is mailed or served, or any subsequent wk. for which individual is first otherwise eligible for benefits; or if convicted, wk. in which criminal complaint is filed, Calif.; waiting or compensable wk. after its discovery, Conn., Fla., Mass., N.Y., S.Dak. and Tenn.; as determined by agency, Miss., and Oreg.; date of discovery of fraud, Ky., Mich., and N.J.; waiting or compensable wk. after determination mailed or delivered, Ark.; wk. determination mailed or delivered, V.I..

2/Provision applicable at discretion of agency.

3/Provision applicable only if claim filed within 6 yrs. following date determination was mailed or served, Calif.; 2 yrs. after offense, Ariz., Hawaii, N.Y., P.R., and V.I.; 3 yrs. after offense, Md.; if claim is filed within 6 yrs. after BY during which offense occurred, Conn.; if determination of fraud is made within 4 yrs. after offense, Ga.; and within 3 yrs. after offense, Va.; and within 2 yrs. after offense, Ky., N.C., Okla.; if proceedings are not undertaken, Hawaii and P.R.; if claim is filed within 2 yrs. following determination of fraud, Pa. and Wash.; within 3 yrs. after date of decision, Oreg., Vt.. However, in Oreg., overpayments shall not be canceled within 3 yrs. if the debt is being recovered by payments or deductions which were received within the last 3 months nor if repayment of the overpayment is required because of a fraud conviction.

4/Before disqualification period ends, wage credits may have expired in whole or in part depending on disqualification imposed and/or end of BY.

5/Plus 2 additional wks. of disqualification for each subsequent offense.

6/Cancellation of all wage credits means that period of disqualification will extend into 2d BY, depending on amount of wage credits for such a yr. accumulated before fraudulent claim.

7/Disqualification may be served concurrently with a disqualification imposed for any of the 3 major causes if individual registers for work for such wk. as required under latter disqualifications.

8/See sec. 455.03 for explanation of period of disqualification.

9/Before disqualification period ends, wage credits will have expired in whole or in part, depending on end of BY.

11/And until benefits withheld or repaid if finding of fault on the part of the claimant has been made, Pa.; claimant must pay restitution of benefits plus penalty of 100% of restitution, not to exceed $1,000 in a BY established within 2 yrs. after cancellation before receiving benefits, Mich..

12/And earnings of 3 x the aww or $360, whichever is less. In addition, claims shall be rejected within 4 yrs. and benefits denied for 2 wks. for each weekly claim canceled.

14/Compensable wks. within 6-yr. period following date of determination of fraud for concealing earnings or refusal of job offer.

15/13 wks. for first wk. of fraud +6 wks. for each additional wk. No benefits shall be paid until overpayment repaid and as a civil penalty an amount equal to the benefits fraudulently received.

Table 410A.--Effect of Disqualifying Income on Weekly Benefit Amount[1/]

State	Workers's Compensation[2/]	Wages in lieu of notice	Dismissal payments	Holiday Pay	Back Pay	Vacation Pay
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.	R [2/]	D	D	. . . . .	D	. . . . .
Alaska	. . . . .	R	R	R	. . . .	R
Ariz.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Ark.	. . . . .	D [6/]	D [6/]	. . . . .	R	. . . . .
Calif.	R	R [3/]	. . . . .	. . . . .	R	. . . . .
Colo.	R [2/]	D	D	. . . . .	R [8/]	D
Conn.	D [2/5/]	D	D [6/]	. . . . .	. . . .	. . . . .
Del.	R	. . . . .	R	. . . . .	R	. . . . .
D.C.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Fla.	R [2/]	R	. . . . .	. . . . .	. . . .	. . . . .
Ga.	D [2/]	D	. . . . .	. . . . .	. . . .	D
Hawaii	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Idaho	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Ill.	R [2/]	R [3/]	. . . . .	R	. . . .	R
Ind.	. . . . .	R [4/]	R [4/]	R [4/]	R [4/8/]	R [4/]
Iowa	R [2/]	R	R	. . . . .	. . . .	[7/]
Kans.	D [2/]	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Ky.	. . . . .	R	. . . . .	. . . . .	. . . .	. . . . .
La.	R [2/]	R	R	. . . . .	. . . .	R
Maine	. . . . .	R	R	R	. . . .	R
Md.	. . . . .	R [4/]	R [4/]	. . . . .	. . . .	. . . . .
Mass.	D [2/]	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Mich.	. . . . .	D	D	D	D	D
Minn.	R [2/]	R	R	[9/]	R	R
Miss.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Mo.	R	R	R	. . . . .	. . . .	. . . . .
Mont.	D [2/]	D	D	. . . . .	. . . .	. . . . .
Nebr.	R	R	R	. . . . .	. . . .	. . . . .
Nev.	. . . . .	D	D	. . . . .	. . . .	D
N.H.	D	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
N.J.	. . . . .	D	. . . . .	. . . . .	. . . .	. . . . .
N.Y.	. . . . .	. . . . .	. . . . .	D	. . . .	D
N.Mex.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
N.C.	. . . . .	D	D	. . . . .	. . . .	D
N.Dak.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Ohio	R	R	R	. . . . .	. . . .	R
Okla.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Oreg.	. . . . .	. . . . .	. . . . .	[7/]	. . . .	[7/]
Pa.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	D
P.R.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	R
R.I.	R	. . . . .	. . . . .	. . . . .	. . . .	R
S.C.	. . . . .	R	R	. . . . .	. . . .	. . . . .
S.Dak.	R	R	R	R	. . . .	. . . . .
Tenn.	D	D	. . . . .	. . . . .	. . . .	. . . . .
Tex.	D [2/]	D	. . . . .	. . . . .	. . . .	. . . . .
Utah	. . . . .	R	R	. . . . .	. . . .	R
Vt.	R	R	. . . . .	R	R	R
V.I.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
Va.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .

(Table continued on next page)

Table 410A.--Effect of Disqualifying Income on Weekly Benefit Amount (Continued)[1]

State	Workers's Compensation[2]	Wages in lieu of notice	Dismissal payments	Holiday Pay	Back Pay	Vacation Pay
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Wash.	. . . . .	. . . . .	. . . . .	. . . . .	. . . .	. . . . .
W.Va.	D [2]	D	. . . . .	. . . . .	. . . .	D
Wis.	R [2]	. . . . .	R [4]	. . . . .	. . . .	. . . . .
Wyo.	. . . . .	. . . . .	R	. . . . .	. . . .	R

[1] "R" means weekly benefit is reduced by weekly prorated amount of the payment. "D" means no benefit is paid for the week of receipt.

[2] See text for types of payments listed as disqualifying income in States noted. In other States disqualification or reduction applies only to payments for temporary partial disability.

[3] By interpretation, Calif.; by regulation, Ill..

[4] Reduction as wages for a given wk. only when definitely allocated by close of such wk., payable to the EE for that week at full applicable wage rate, and EE has had due notice of such allocation, Wis.; excludes greater of first $3 or 1/5 wba from other than BP ER Ind.; not applicable if claimant's unemployment caused by abolition of job, Md..

[5] If worker's compensation benefits received subsequent to receipt of unemployment benefits, individual liable to repay unemployment benefits in excess of worker's compensation benefits.

[6] Not applicable to severance payments or accrued leave pay based on service for the Armed Forces.

[7] Limits the deductibility of vacation pay to 1 wk. if an individual is separated from employment and scheduled to receive vacation pay during the period of unemployment attributable to the ER and the ER does not designate the vacation period to which the payments will be allocated. However, if the ER designates more than 1 wk. as the vacation period, such payments will be deductible, Iowa; holiday and vacation pay may or may not be deductible depending on the circumstances under which the claimant receives them, Oreg..

[8] If receiving benefits at time of award, the ER shall withhold from the award the amount of benefits paid and remit to the division of employment, Colo., and Ind..

[9] Holiday pay in excess of $25, Minn..

Table 410B.--Effect of Pensions on Weekly Benefit Amount

State	Deductions-- All pensions All ER's (5 States)	Deductions-- All pensions BP ER (48 States)	Considers EE contributions to pensions	Excludes Pensions not affected by BP work
(1)	(2)	(3)	(4)	(5)
Ala.		X	X	X
Alaska		X	X	X
Ariz.		X	X	X
Ark.	X 2/			
Calif.		X	X	X
Colo.		X		
Conn.		X	X	X
Del.		X	X	
D.C.	X			
Fla.		X	X	
Ga.		X	X	X
Hawaii		X	X	X
Idaho		X 1/	X 1/	
Ill.		X	X	
Ind.		X		
Iowa		X	X	X
Kans.		X	X	X
Ky.		X	X	X
La.		X		
Maine		X	X	X
Md.		X	X	
Mass.		X	X	X
Mich.		X	X	
Minn.		X	X	
Miss.		X		
Mo.		X		X
Mont.		X	X	X
Nebr.		X	X 1/	
Nev.		X	X	X
N.H.		X	X	X
N.J.		X	X	
N.Mex.		X	X	
N.Y.		X	X	X
N.C.		X		
N.Dak.		X	X	X
Ohio		X		
Okla.		X		X
Oreg.		X	X	
Pa.	X			
P.R.		X	X	X
R.I.		X		

(Table continued on next page)

Table 410B.--Effect of Pensions on Weekly Benefit Amount (Continued)

State	Deductions--		Considers EE contributions to pensions	Excludes Pensions not affected by BP work
	All pensions All ER's (5 States)	All pensions BP ER (48 States)		
(1)	(2)	(3)	(4)	(5)
S.Car.	. . . . .	X	X	. . . . .
S.Dak.	. . . . .	X	. . . . .	. . . . .
Tenn.	. . . . .	X	X	X
Tex.	. . . . .	X	. . . . .	. . . . .
Utah	. . . . .	X	. . . . .	. . . . .
Vt.	. . . . .	X	X	X
Va.	. . . . .	X	. . . . .	. . . . .
V.I.	X	. . . . .	. . . . .	. . . . .
Wash.	. . . . .	X	X	X
W.Va.	. . . . .	X	. . . . .	. . . . .
Wis.	. . . . .	X	X	X
Wyo.	X	. . . . .	. . . . .	. . . . .

1/By regulation.
2/Excludes military retirement pensions based on work prior to the individual's BP.

500. ADMINISTRATIVE ORGANIZATION

This chapter presents a brief summary of the statutory provisions for the overall employment security agency, the advisory councils, and the appeals authorities. All these provisions emphasize the public interest in the program as well as the interest of employers and employees as the groups most immediately concerned.

505 Place of the Employment Security Agency in the State Government

There are no Federal requirements concerning the form of State administrative organization or its position in the State government. The Wagner-Peyser Act, the basic law of the employment service, requires that States designate, or authorize the creation of, a State agency vested with all powers necessary to cooperate with the U.S. Employment Service. The Social Security Act requires that State laws must include provision for making such reports containing such information as the Secretary of Labor may require. All the State laws include provisions that meet these specific Federal requirements and a general statement on Federal-State cooperation.

The administrative organization of the employment security agencies shows considerable diversity. Some State employment security agencies are independent boards or commissions. Others are independent departments of State governments, reporting directly to the Governor. The remainder are in State departments of labor or other agencies. These various types of administrative organizations are outlined in the three parts of Table 500.

505.01 INDEPENDENT BOARD OR COMMISSION.--The employment security or unemployment compensation commissions or boards are made up of 3 to 7 members, usually 3, appointed by the Governor, except in South Carolina where members of the commission are elected by the State general assembly. In Michigan the commission is by law in, but not subject to, the Department of Labor.

The interest of employer and labor groups and of the public in the program is recognized in the statutory provisions for tripartite membership in some States. In the District of Columbia and Michigan, employer and employee groups must be represented. In Mississippi, where the three members represent the three State supreme court districts, one member must be a representative of workers. Indiana requires one representative of large employers and one of independent merchants and small employers as well as two representatives of labor. In other States, commission members are, in practice, representative of interest groups.

Maine, Michigan, and Wyoming require that the membership of the commission be bipartisan in character. In addition, Michigan requires that employers and employees be represented, and Maine specifies that membership include representation from employers, labor, and the public.

In some States the Governor designates the chairman of the commission; in other States the commission or board elects its own chairman. In a few States with tripartite representation on the commission, the public member is chairman by statute; in other States the public member is, in practice, chairman. The Commissioner is chairman of the District of Columbia Unemployment Compensation Board, but he may delegate this authority.

In four States[1] the chairman of the commission is the executive officer of the employment security agency. In five States[2] with per diem or part-time commissions and South Carolina with a full-time commission, the commission appoints a full-time executive director or administrator. In Indiana the Governor appoints a full-time executive director who is secretary of the board.

505.02 INDEPENDENT DEPARTMENTS OF STATE GOVERNMENT.--The independent departments of State governments represent another type of administrative development (Table 500B). In these States the administration of the program is headed by a director, executive director, commissioner, or administrator appointed by the Governor.

505.03 IN STATE DEPARTMENT OF LABOR OR OTHER AGENCY.--Almost half the States have placed their employment security divisions in the State department of labor or other labor-oriented agency. In recent years a few States have moved the employment security division into a human relations, human resources, or social service agency.

In most of these States (Table 500C) the division of employment security or of employment is an integrated employment security agency headed by a director, executive director, or administrator. In Delaware, Hawaii and Wisconsin separate operating divisions report to the Department of Labor, in California to the Health and Welfare Agency, in Florida to the Secretary of Commerce, and in Kentucky to the Secretary of Human Resources.

505.04 MERIT SELECTION OF EMPLOYEES.--One of the Federal requirements for administrative grants to States under the Social Security Act is that the State unemployment insurance law make provision for "methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary of Labor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods." All State laws have made provision for appointment on a merit basis of personnel administering the unemployment insurance programs with the exception of the policymaking heads of the agency. In the States with a civil service law applicable to all departments of State government, appointment of employment security personnel is in accordance with State civil service regulations. In States without statewide civil service systems, employees are appointed under merit systems which were established to meet the requirements of the Social Security Act.

510 Advisory Councils

All but three State laws provide for statewide advisory councils. In 46 States such a council is mandatory; in 2 permissive. Hawaii and Montana have appointed advisory councils though there are no statutory requirements for such councils. In approximately half the States the council is appointed by the Governor; in the others by either the employment security administrative authority or by the overall administrative agency (Table 501).

1/ Maine, N.Mex., N.C., and Texas.
2/ D.C., Mich., Miss., Okla., and Wyo..

ADMINISTRATION

510.01 PURPOSE OF ADVISORY COUNCILS.--In most States the councils are for the purpose of aiding the agency in formulating policies and meeting problems relating to the administration of the employment security act, and in assuring impartiality and freedom from political influence in the solution of such problems. In Arkansas, Delaware, Florida, New Hampshire and Wisconsin the State laws specifically call for a UI advisory council and in South Dakota one of the two separate councils is given responsibility for the unemployment insurance program. The council is concerned with the overall employment security program. The council can make recommendations on its own to the Governor and/or the legislature in 11 States.[1] In Massachusetts the council reports to the Governor at least quarterly and to the legislature annually; in New York, to the Governor and legislature annually; in Missouri, to the Governor and legislature biennially; and in Pennsylvania, to the Governor periodically. The New Jersey employment security council reports to the Governor and the legislature annually and at such other times as it may deem to be in the public interest. The Wisconsin council reports to each regular session of the legislature; in addition, it reports to the proper legislative committee on any pending unemployment insurance bill.

In Colorado the council must approve expenditures from the special administrative fund. The Illinois Board of Unemployment Compensation and Free Employment Office Advisors and the Board of Local Illinois Free Employment Office Advisors for each employment office are established by the Illinois Civil Adminstrative Code.

510.02 REPRESENTATION ON COUNCILS.--Equal representation of labor and employer groups is specifically provided in all States except Idaho, Kentucky, and Texas, and one or more public members in all States except Oklahoma, and Wisconsin. In Texas the council must be composed of persons representing employers, employees, and the public, but equal representation is not specified. In Idaho the director is to prescribe the qualifications of the members. In Kentucky membership consists of representatives of public interest and minority groups, the poor, benefit recipients and the general public. In New Jersey and Iowa no more than five members of the council may be of the same political party. In Nebraska two members must have no interest either as employers or employees, and in Missouri and Ohio some members must be individuals whose training and experience qualify them to deal with the technical, economic, and social aspects of unemployment insurance. Fourteen States[2] provide that women must be represented on the advisory council; in practice they are represented on other State councils. New Jersey has a separate advisory council on disability benefits.

In Nevada the executive director of the employment security department serves as ex officio secretary of the respective councils. In Oklahoma the chairman of the employment security commission is ex officio chairman of the council, and in Pennsylvania the secretary of labor and industry is ex officio a member of the council; the secretary appoints the executive secretary of the council.

510.03 SPECIAL COUNCILS.--Twenty-seven States (Table 501) provide for local and industry or special councils as well as a statewide advisory council, but only in three States is their appointment mandatory. In all States except Maryland, Oregon

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1/ Ala., Maine, Mass., Mich., Mo., N.J., N.Y., Ohio, Pa., W.Va., and Wisc..
2/ Ark., Fla., Ind., Kan., Nev., N.Mex., N.Y., Okla., Oregon, Pa., P.R., R.I., S.Dak., and Wash..

and West Virginia, the local State councils are appointed by the same authority as the State councils; in Maryland the secretary of employment and training appoints the local councils; in Oregon the administrator of the employment division appoints other special councils; in West Virginia the State advisory council appoints the local councils for a limited and temporary period. Local councils also must ordinarily be representative of employees, employers, and the public; however the permissive provisions in Arizona, Idaho, Indiana, and Washington contain no statements concerning membership of the special councils.

515 Appeal Authorities

Among the requirements of the Social Security Act for Federal financing of the State administration of unemployment insurance is provision in the law for "opportunity for a fair hearing before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied." All State laws provide for such appeal tribunals; all but a few provide for two appeal stages (Table 502A) before cases can be appealed to the State courts. Obviously the provisions differ considerably from State to State with differences in the appeals load, in the overall administering pattern, in the geographic characteristics of the State, and other factors. In all States not only individuals whose claims are denied, but employers who have an interest, have a right to appeal decisions on claims.

As a result of the **Java** decision,[1] after a claimant has been held eligible for benefits, such claimant will continue to receive benefits until such time as a decision is issued reversing the determination or decision allowing benefits. Thus, an employer's appeal will not affect the continuance in payment of benefits until a decision is issued denying benefits. The majority of State laws specifically provide for the payment of benefits pending an appeal from a determination or decision allowing benefits while other States have either interpreted their laws or been required by court order to follow this procedure. In all States this procedure applies to any determination or decision issued allowing benefits.

Table 502 is concerned with administrative and judicial review applicable to claims determinations. Where review involves employer liability only, there may be different time limits and different hearings bodies.

515.01 FIRST APPEALS STAGE.--Over one-half of the State laws provide that appeals at the initial stage are to be heard by a single referee or examiner. In most of the other States the law provides that an appeal may be heard by a referee (or examiner) or by a referee (or examiner) and two associates, the associates representing the interests of employers and employees, on a per diem basis.

The number of days for appealing to the first stage appeals body is generally stated in terms of days; however, in almost one-half of the States the period

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[1] In **California Department of Human Resources Development v. Java**, the U.S. Supreme Court held that Section 303 (a)(1) of the Social Security Act was intended to mean that benefits must be paid at the earliest stage of unemployment that such payments are administratively determined to be due.

used is defined as calendar days. Among these States Maryland excludes Sundays and holidays; Kansas, Massachusetts, Michigan and Missouri extend the time if the last day falls on a Saturday, Sunday, or holiday; New Jersey, Ohio (by court decision), and Pennsylvania exclude the day of mailing; also the last day if it falls on a Saturday, Sunday, or holiday.

Of the States which do not define day, Connecticut extends the time if the last day for filing falls on a day when the unemployment offices are closed; Louisiana extends the time if the last day falls on a Saturday, Sunday, or holiday; and California, Nevada, and Washington exclude the day of mailing and the last day if it falls on a Saturday, Sunday, or holiday.

The number of days for filing an appeal after notice of the determination varies among the States, ranging from 5 to 30 days. Only Indiana provides for a special appeal period (7 days) after the mailing of a monetary determination. In a few States the time may be extended if good cause is shown. In Missouri, when an appeal is not filed on time, an order is mailed to the claimant dismissing the appeal. But if requested within 10 days from the date of mailing the order, a hearing will be scheduled on the timeliness and merits of the appeal.

Idaho, Michigan, and Ohio provide that an appeal can be taken only from a redetermination. This redetermination is subject to the same time limitation as is the appeal to the referee.

In all but a few States the decision of the first-stage appeals body is final in the absence of an appeal. In other States the referee may reconsider his decision within the appeal period (footnote 8, Table 502A). The Nebraska law permits the commissioner to reopen the appeal tribunal decision on request within 90 days from the date of mailing on the basis of fraud, mistake, or new evidence. The appeal tribunal then holds a further hearing on the factors contributing to the reopening. In New Jersey every decision of the appeal tribunal may be considered by the board of review, which may let the decision stand, remand it to another appeal tribunal for a new hearing, or withdraw the case to itself. Puerto Rico and Rhode Island provide that any determination or decision of the referee may be reopened if a worker or employer has been defrauded or coerced in connection with the decision; the time limitation is within 60 days of the knowledge of fraud or removal of coercion. Puerto Rico also provides that decisions issued by the referee, upon appeal of a claim, may be reconsidered by the Director or, at his discretion, a referee.

515.02 SECOND APPEALS STAGE.--About one-half of the States have a board of review, board of appeals, or appeals board to hear cases appealed from the decision of the lower appeal tribunal (Table 502A). All these boards consist of three members, except Michigan, New Hampshire, and New York which have five and California which has seven. The Mississippi board is appointed by the employment security commission, and the New Jersey board of review by the director of the division of employment security, and in California 5 members of the board are appointed by the Governor and one each by the Speaker of the Assembly and the Senate Rules Committee; in the other States, the appeals board is appointed by the Governor.

The members of the appeals boards represent labor, employers, and the public in a few States; but in West Virginia, the Governor may not appoint anyone who is identified with the interests of either employers or employees. In Indiana, Ohio, Oregon, and Rhode Island, no more than two members, and in New York, no more than three members may belong to the same political party; and in Oklahoma, no member may serve as an officer of any political party organization during his term of office.

California specifies that two of the members must be attorneys and in Indiana one member must be admitted to the practice of law in the State. In Arkansas the chairman must be an attorney who is not a representative of employers or employees.

In one-half of the States the second appeals stage is handled by an existing commission or agency head. These States include all but four[1] of the States headed by an independent commission or board. The board, which constitutes the administrative agency, functions as the appeals board. In Missouri and Wisconsin, where the agency is under the State industrial commission, these overall agencies serve as the appeals board. Idaho utilizes the industrial accident board part time as the unemployment insurance appeals board. The Kentucky commissioner of economic security and two associate commissioners constitute the unemployment insurance commission which serves as appeals board and adopts rules and regulations.

In Minnesota, Virginia, and Washington, the commissioner in charge of the independent employment security agency hears second-stage appeals, and in Alaska and Puerto Rico the head of the overall agency carries out this function.

The number of days in the period for appeal to the second-stage appeals body are designated as calendar days in only eight States, of which Minnesota and Vermont so designate only the days after delivery of the referee's decision; Vermont further stipulates that the time limit to appeal to the board is within 6 days from the date of the return receipt of registered or certified mailing of the referee's decision. Many States (Table 502A, footnote 2), extend the time for filing for good cause.

Hawaii, and Nebraska provide for only one administrative appeal which is to the first-stage appeals body. The claimant would then appeal for judicial review in the appropriate court.

Some States provide that a contested determination which involves a labor dispute shall be appealed directly to the second-stage appeals body. In some States a special examiner is designated to determine the original claim. In North Dakota the period for appeal to the second-stage appeals body from a decision concerning a labor dispute is shortened from a 12-day period to one of 7 days after delivery or 10 days after mailing.

515.03 JUDICIAL REVIEWS.--All the States provide for appeals to the courts for judicial review. The time limit ranges from 10 to 50 days, and in California to 6 months or the date on which the decision is designated as a precedent decision. About one-half of the States designate a specific time to exhaust actions before the second administrative appeal body, whose decision then is final. These States provide an additional period of time in which to seek judicial review commencing when the decision is final.

In New Jersey, which has no provision in its unemployment insurance law for appeals to the court, timeliness is governed by court rule.

Instead of allowing a time based on the delivery or mailing of the decision, four States count the days from the date of the second-stage appeal decision (District of Columbia and New Mexico), after the decision was made (Kentucky), or entered (Vermont); Hawaii, which allows only one administrative appeal, counts the days for judicial review from the service of the referee's decision.

[1] Ind., Mich., Miss., and Okla..

In Colorado the claimant must appeal within 15 days to the commission for a review of its decision before he may appeal to the court. In North Carolina he must file a notice of intent to appeal before the commission's decision is final. Indiana allows an extension of 30 days from the date of a notice of intention to appeal to the court if made within the 15-day period from the date of mailing the board's final decision.

520 Disclosure of Information

Title III of the Social Security Act and the Federal Unemployment Tax Act have been amended to require the State employment security agencies to disclose wage and other relevant information in the agency records to other governmental agencies for use by those agencies in determining an individual's eligibility for, or the amount of, assistance or services under the Aid to Families with Dependent Children (AFDC), Medicaid, child support, food stamps or any State programs that are Federal-assisted. In general, the information obtained from the State employment security agency is to be used only under safeguards which ensure that the information is used solely for the purposes intended. In addition, the information is to be furnished on a reimbursable basis.

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Table 500.--Organization of State Employment Security Agencies

A. INDEPENDENT COMMISSION OR BOARD (8 STATES)

State	Name of commission or board	Number of members	Interests represented	Basis of payment	Designation of chairman	Executive officers	
						Title	Appointed by--
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Ind.	U.I. Board.	9	Tripartite.	Per diem, plus 100/ month while serving.	Elected by Board.	Exec. dir. Dept. of Emplmt. and Training Services & Secy. of Bd 3/	Gov.
Mich.	E.S. Comm.	5	Bipartisan & ER & EE.	Per diem.	Elected by Comm.	Dir. and Secy. of Comm.	Comm.
Miss.	E.S. Comm.	3	Employee. 1/	Part-time.	Appointed by Gov.	Exec. dir. & Secy of Comm.	Comm.
N.C.	E.S. Comm.	7	Tripartite in practice.	Chairman, full-time; 6 per diem members.	Appointed by Gov.	Chairman.	Gov.
Okla.	E.S. Comm.	5	Tripartite.	Per diem.	By stat., public member.	Exec. dir.	Comm.
S.C.	E.S. Comm. 2/	3	. . . . .	Full-time.	Elected by Comm.	Exec. dir. & Secy of Comm.	Comm.

(Table continued on next page)

Table 500.--Organization of State Employment Security Agencies (Continued)
A. INDEPENDENT COMMISSION OR BOARD (8 STATES) (Continued)

State	Name of commission or board	Number of members	Interests represented	Basis of payment	Designation of chairman	Executive officers	
						Title	Appointed by--
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Tex.	Emplmt. Comm.	3	Tripartite.	Full-time.	By stat., public member	Chairman & Adm.	Comm.
Wyo.	E.S. Comm.	3	Bipartisan.	Chairman, part-time; 2 per diem members.	Elected by Comm.	Exec. dir.	Comm.

1/ One member from each Supreme Court district and 1 member must be a representative of employees.
2/ Members of commission are elected by State general assembly.
3/ The Governor delegated the responsibility for the Indiana Employment and Training System to the Lt. Governor.

Table 500.--Organization of State Employment Security Agencies (Continued)
B.--INDEPENDENT DEPARTMENT OF STATE GOVERNMENT (18 STATES)

State (1)	Name of department (2)	Title of executive officer (3)	Explanatory notes (4)
Idaho	Department of Employment	Executive Director	. . . . .
Ill.	Department of Employment Security	Director	. . . . .
Iowa	Department of Employment Services	Director	. . . . .
Md.	Dept. of Econ. & Employment Dev.	Secretary	. . . . .
Minn.	Department of Jobs and Training	Commissioner	. . . . .
Mont.	Department of Labor and Industry	Commissioner	. . . . .
Nev.	Employment Security Department	Executive Director	. . . . .
N.H.	Department of Employment Security	Commissioner	. . . . .
N.Mex.	Department of Labor	Secretary	. . . . .
N.Dak.	Job Service North Dakota	Executive Director	. . . . .
Ohio	Bureau of Employment Services	Administrator	. . . . .
R.I.	Department of Employment Security	Director	. . . . .
Tenn.	Department of Employment Security	Commissioner	. . . . .
Vt.	Dept. of Employment and Training	Commissioner	. . . . .
Va.	Employment Commission (1 member)	Commissioner	State commissioner of labor is to give full cooperation and assistance to the Employment Commission.
V.I.	Employment Security Agency	Commissioner	. . . . .
Wash.	Employment Security Department	Commissioner	. . . . .
W.Va.	Department of Employment Security	Commissioner of Employment Security	. . . . .

Table 500.--Organization of State Employment Security Agencies (Continued)
C.--IN STATE DEPARTMENT OF LABOR OR OTHER AGENCY (27 STATES)

State (1)	Name of department and administrative head (2)	Name of employment security unit or units (3)	Employment security executive officer	
			Title (4)	Appointed by (5)
Ala.	Dept. of Indust. Rel., Dir.	Div. of E.S.	Dir. of Indust. Rel. as Chief of Div.	Gov.
Alaska	Dept. of Lab., Commr.	Div. of E.S.	Dir.	Commr.
Ariz.	Dept. of Econ. Sec., Dir.	E.S. Comm.	Asst. Dir.	Dir., Dept. Econ. Sec.
Ark.	Dept. of Lab., Commr.	E.S. Div.	Adm.	Gov.
Calif.	Human Relations Ag., Secy.	Emplmt. Div. Dept.[1]	Dir.	Gov.
Colo.	Dept. of Lab. & Emplmt., Exec. Dir.	Div. of Emplmt. & Training.	Dir.	Exec. Dir.
Conn.	Lab. Dept., Commr.	Div. of E.S.	Exec. Dir.	Labor Commr.
Del.	Dept. of Lab., Sec.	Div. of U.I.	Dir.	Secy. of Labor.
D.C.	Dept. of Emplmt. Services, Dir.	U.C. Board.	Dir.	Mayor
Fla.	Dept. of Labor & Emplmt., Sec., Secy.	Div. of Unemplmt. Comp.	Dir.	Secy. of Labor & Emplmt. Sec.
Ga.	Dept. of Lab., Commr.	[3]	[3]	Commr. of Labor
Hawaii	Dept. of Lab. & Indust. Rel., Dir.	U.I. Div.	Dir. of Dept. of Lab. & Indust. Rel.	Gov.
Kans.	Dept. of Hum. Res., Sec.	E.S. [4]	Asst. Secy. [4]	Sec. of Human Res.
Ky.	Cabinet for Hum. Res., Secy.	Bu. of E.S.	Exec. Dir.	Gov.
La.	Dept. of Lab., Sec.	Office of E.S.	Adm. (Asst. Sec.)	Gov.
Maine	Dept. of Labor, Commr.	Bu. of E.S.	Chr. (Commr. of Labor)	Gov.
Mass.	Dept. of Lab. & Indus. Rel., Commr.	Div. of E.S.[2]	Dir.	Gov.
Mo.	Dept. of Lab. & Indust. Rel., Indust. Comm. (3 members with tripartite rep.).	Div. of E.S.	Dir.	Gov.

(Table continued on next page)

Table 500.--Organization of State Employment Security Agencies (Continued)
C.--IN STATE DEPARTMENT OF LABOR OR OTHER AGENCY (27 STATES) (Continued)

State (1)	Name of department and administrative head (2)	Name of employment security unit or units (3)	Employment security executive officer	
			Title (4)	Appointed by (5)
Nebr.	Dept. of Lab., Commr.	Div. of Emplmt.	Dir.	Gov.
N.J.	Dept. of Labor Commr.	Div. of Unemplmt. & Tempry. Disablty. Insur.	Dir.	Gov.
N.Y.	Dept. of Lab., Indust. Commr.	. . . . .	Exec. Dir.	Industrial Commr.
Oreg.	Dept. of Hum. Res., Dir.	Emplmt. Div.	Asst. Dir.	Director.
Pa.	Dept. of Lab. & Indust., Secy.	Office of E.S.	Deputy Secy for E.S.	Secy. of Labor & Industry.
P.R.	Dept. of Lab., Secy.	Bu. of E.S.	Dir.	Secy. of Lab.
S.Dak.	Dept. of Labor, Secy.	Job Service Div.	Secy.	Gov.
Utah	Indust. Comm. (3 members, bipartisan).	Dept. of E.S.	Adm.	Comm.
Wis.	Dept. of Indust., Lab. & Hum. Rel., Chairman.	Job Service Div.	Adm.	Chairman of Indust., Lab. & Hum. Rel. Comm.

1/ Also Department of Benefit Payments.
2/ Division is by law in, but not subject to, Department of Labor and Industries, headed by Commissioner.
3/ The Commissioner may, at his discretion, create an Employment Security Agency.
4/ The Division of E.S. shall be administered by the Secretary of Human Resources in the manner he deems necessary.

ADMINISTRATION

Table 501.--State and Local Advisory Councils

State	State councils					Local or special councils
	Appointed by--	Number of Members	Groups represented[2]			
			Employer	Employee	Public	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.	Gov.	9[1]	X	X	X	. . . . .
Alaska	Gov.	5	2	2	1	. . . . .
Ariz.	Gov.	18[2]	X	X	X	Permitted.
Ark.	Gov.	[1]	X	X	X	. . . . .
Calif.	[6]	21	X	X	X	. . . . .
Colo.	Gov.	11	4	4	3	. . . . .
Conn.	. . . . .	. . .	. . .	. . .	. . .	. . . . .
Del.	[6]	10	2	2	. . .	. . . . .
D.C.	. . . . .	. . .	. . .	. . .	. . .	. . . . .
Fla.	Secy. DOL Unemplmt. Comp.	18	X	X	X	. . . . .
Ga.	Commr. of Labor.	[1]	X	X	X	Permitted.
Hawaii[3]	Dir. of Lab. & Indust. Rel.	15	4	4	7	. . . . .
Idaho	Dir., Dept. of Emplmt.	[1]	[1]	[1]	[1]	Permitted.
Ill.	Dir., Dept. of E.S.	[1]	X	X	X	Permitted.
Ind.	U.I. Bd.	[1]	X	X	X	Permitted.
Iowa	Gov.	9[5]	3	3	3	. . . . .
Kans.	Sec. of Labor.	[1]	X	X	X	Permitted.
Ky.	. . . . .	. . .	. . .	. . .	. . .	. . . . .
La.	Gov.	[2]	X	X	X	Permitted.
Maine	Commr., Manpower Affairs.	9[2]	X	X	X	. . . . .
Md.	Secy. Dept. of Emplmt. and Training	[1]	X	X	X	Mandatory.
Mass.	Gov.	6	2	2	2	. . . . .
Mich.	Gov.	11	4	4	3	. . . . .
Minn.	Gov.	[1]	X	X	X	Permitted.
Miss.	E.S. Comm.	[1]	X	X	X	Permitted.
Mo.	Gov.	7	2	2	3	. . . . .
Mont.[3]	Div. of E.S.	15	5	5	5	. . . . .
Nebr.	Commr. of Labor.	6	2	2	2	Permitted.
Nev.	Gov.	9	X	X	X	. . . . .
N.H.	Gov.	7	3	3	1	. . . . .
N.J.	Gov.	9[5]	3	3	3	. . . . .
N.Mex.	E.S. Comm.	[1]	X	X	X	Permitted.
N.Y.	Gov.	9	3	3	3	. . . . .
N.C.	[6]	16	X	X	X	. . . . .
N.Dak.	E.S. Bu.	[1]	X	X	X	Mandatory.
Ohio	[6]	12	3[4]	3[4]	. . .	Permitted.
Okla.	Gov.	6	3	3	. . .	. . . . .
Oreg.	Gov.	[1]	X	X	X	Permitted.
Pa.	[6]	19	4	4	. . .	Permitted.
P.R.	Secy. of Lab.	[1]	X	X	X	Permitted.
R.I.	Gov.	9	3	3	3	. . . . .
S.C.	E.S. Comm.	[1]	X	X	X	Permitted.
S.Dak.	Gov.	[1]	X	X	X	. . . . .

(Table continued on next page)

Table 501.--State and Local Advisory Councils (Continued)

State	State councils					Local or special councils
	Appointed by--	Number of Members	Groups represented[2]			
			Employer	Employee	Public	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Tenn.	Commr. of E.S.	1/	X	X	X	Permitted.
Tex.	Emplmt. Comm.	15	X	X	X	Permitted.
Utah	Industrial Commission	11 1/	4 1/	4 1/	3	Permitted.
Vt.	Gov.	9	3	3	3	. . . . .
Va. 3/	Gov.	9	X	X	X	Permitted.
V.I.	Director of E.S.	1/	X	X	X	. . . . .
Wash.	Comm. of E.S.	9 1/	3	3	3	Permitted.
W.Va.	Gov.	9	3	3	3	Permitted.
Wis.	Indust., Lab. & Hum. Rel. Comm.	10	5	5	. . .	Permitted.
Wyo.	E.S. Comm.	1/	X	X	X	Permitted.

1/ Number of members is min. in Ala. and max. in Ariz., Maine, and Wash.; in Utah the number of ER and EE members is min.; in Idaho the number of members may vary from a min. of 7 to a max. of 15 with no representation groups required; in other States footnoted, number of members is not specified.

2/ "X" indicates representation of group required but number of representatives not specified; number of EE and ER representatives must be equal. In La., Maine and Ariz. all three groups must be equally represented.

3/ State council not mandatory; in Hawaii and Mont., no statutory requirement.

4/ Specifies individuals whose training and experience qualify them to deal with difficult problems of unemployment compensation.

5/ Limits representation to not more than 5 members from same party in Iowa, and N.J.

6/ Thirteen members appointed by Governor, two each by Speaker of the Assembly and Senate Rules Committee, one by State Board of Education, and the other three members are a State Senator, Assemblyman and a Deputy Director of California agency, Calif.; 4 members from the legislature, Secy's of Finance and Labor, 2 members each representing EE's and ER's appointed by the Governor, Del.; 5 members each representing EE's, ER's and public appointed by the Governor and the Chairman of the Commission shall serve as Chairman of the Council, N.C.; 6 members of the legislature and 3 each representing EE's and ER's, Ohio.; Secretary of Labor and Industry, 4 members from the legislature, 4 each representing EE's and ER's and 6, of whom no more than 3 each represent ERs and labor organizations appointed by the Governor, Pa..

Table 502.--Appeals Authorities and Time Limitation for Review*

A.--ADMINISTRATIVE APPEALS

State	Number of days for filing		1st stage appeals body	Number of Days for filing		2d stage appeals body
	After delivery	After mailing		After delivery	After mailing	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.	7[1]/	15[1]/	Referee.	. . .	15	Board of Appeals.
Alaska	15[2]/	15[2]/	Referee.	15[2]/	15[2]/	Dept. of Labor.
Ariz.	7[1]/[2]/	15[1]/[2]/	Examiner.	10[2]/	15[2]/	Appeals Board.
Ark.	20[2]/	20[2]/	Referee or referee and 2 associates.	20[2]/	20[2]/	Board of Review.
Calif.	20[2]/	20[2]/	Admin. Law Judge.	. . .	20[2]/	Appeals Board.
Colo.	15[1]/[2]/	15[1]/[2]/	Referee.	15[1]/[2]/	15[1]/[2]/	Indust. Claims Appeals Panel
Conn.	. . .	21 [2]/	Referee.	. . .	22	Board of Review.
Del.	7[1]/	10[1]/	Referee or referee and 2 associates.	10	10	Appeal Board.
D.C.	10	10	Examiner or examiner and 2 associates.	. . .	10	Off. of Appeals and Review
Fla.	20[1]/	20[1]/	Referee.	20[1]/	20[1]/	Unempl. Appeals Comm.
Ga.	10	10	Admin. hearing officer or 3 Admin. hearing officers.	10	10	Board of Review.
Hawaii	10[2]/	10[2]/	Referee.	. . .	[3]/[8]/	. . . . .
Idaho	14[4]/	14[4]/	Examiner.	14	14	Indust. Accident Commission.
Ill.	30	30	Referee.	. . .	30	Board of Review.
Ind.	20[5]/	20[5]/	Referee.	15	15	Review Board.
Iowa	10[1]/[2]/	10[1]/[2]/	Examiner.	15[2]/	15[2]/	Appeal Board.
Kans.	16[1]/[2]/	16[1]/[2]/	Referee.	16[2]/	16[2]/	Board of Review.
Ky.	. . .	15	Referee.	. . .	15	U.I. Comm.
La.	15	15	Referee or referee and 2 associates.	15	15	Board of Review.
Maine	. . .	15[1]/[2]/	Examiner or examiner and 2 associates.	15	15	U.I. Comm.
Md.	15[1]/[2]/	15[1]/[2]/	Examiner.	15[1]/[2]/	15[1]/[2]/	Board of Appeals.
Mass.	10[2]/	10[2]/	Entire board, member of board, or examiner designated by board.	. . .	10	Board of Review.
Mich.	30[2]/[4]/	30[2]/[4]/	Referee.	. . .	30[8]/	Appeal Board.
Minn.	15	15	Referee.	30[1]/	30	Comm. of Manpower Svcs.
Miss.	14	14	Referee or referee and 2 associates.	14	14	Board of Review.
Mo.	15[1]/[2]/	15[1]/[2]/	Referee.	15[2]/	15[2]/	Indust. Comm.
Mont.	. . .	10[2]/	Referee.	10[2]/	10[2]/	Bd. of Labor Appeals.

(Table continued on next page)

Table 502.--Appeals Authorities and Time Limitation for Review* (Continued)
A.--ADMINISTRATIVE APPEALS (Continued)

State	Number of days for filing		1st stage appeals body	Number of Days for filing		2d stage appeals body
	After delivery	After mailing		After delivery	After mailing	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Nebr.	20[1]/	20[1]/	Examiner or examiner and 2 associates.	. . .	[3]/	. . . . .
Nev.	10[2]/	10[2]/	Examiner or examiner and 2 associates.	10[2]/	10[2]/	Board of Review.
N.H.	. . .	14[1]/[2]/	Examiner or examiner and 2 associates.	. . .	15[2]/	Appellate Board.
N.J.	7[1]/	10[1]/[2]/	Examiner or examiner and 2 associates.	10[1]/	10[1]/	Board of Review.
N.Mex.	15[1]/	15[1]/	Hearing Officer.	15	15	Secy. of E.S.
N.Y.	30[2]/	30[2]/	Admin. Law Judge.	20	20	Appeal Board.
N.C.	. . .	10	Referee.	10	10	E.S. Comm.
N.Dak.	12	12	Referee or referee and 2 associates.	12	12	E.S. Bu.
Ohio	14[1]/[4]/	14[1]/[4]/	Referee.	. .	14[1]/[8]/	Board of Review.
Okla.	10[2]/	10[2]/	Referee or referee and 2 associates.	10[2]/	10[2]/	Board of Review.
Oreg.	20[2]/	20[2]/	Referee.	20	20	Emplmt. Appeals Bd.
Pa.	15[1]/	15[1]/	Referee.	15	15	Board of Review.
P.R.	10[2]/	10[2]/	Referee.	10[2]/	10[2]/	Secretary of Labor.
R.I.	. . .	10[2]/	Referee.	10[2]/	10[2]/	Board of Review.
S.C.	10	10	Referee or referee and 2 associates.	10	10	E.S. Comm.
S.Dak.	. . .	9	Referee.	15	15	E.S. Commr.
Tenn.	15[1]/[2]/	15[1]/[2]/	Referee.	30[2]/[8]/	30[2]/[8]/	Board of Review.
Tex.	. . .	14[1]/	Examiner.	. . .	10	Emplmt. Comm.
Utah	10[2]/	10[2]/	Referee.	10[2]/	10	Board of Review.
Vt.	10[1]/	12[1]/[7]/	Referee.	6[1]/	6[7]/	E.S. Board.
Va.	21[1]/[2]/	21[1]/[2]/ or 10	Examiner or examiner and 2 associates.	21[2]/	21[2]/	Emplmt. Comm.
V.I.	10[2]/	10[2]/	Examiner.	. . .	(3)	. . . . .
Wash.	30[2]/	30[2]/	Examiner.	30[2]/	30[2]/	E.S. Commr.
W. Va.	8[1]/	8[1]/	Admin. Law Judge.	8[1]/	8[1]/	Board of Review.
Wis.	21[2]/	21[2]/	Examiner.	. . .	14	Indust. Lab. & Hum. Rel. Comm.
Wyo.	10	10	Examiner or examiner and 2 associates.	10	10	E.S. Comm.

(Footnotes on next page)

(Footnotes for Table 502-A.)

*Administrative or judicial review applicable to claims determinations. Where review involves ER liability only, there may be different time limits and different hearing bodies.

1/Rules and regulations specify "calendar day", Fla Md., Nebr., N.J., Vt. In other States noted, law specifies "calendar days."

2/May be extended for good cause or circumstances beyond claimant's control. In Ariz. if lateness caused by postal service delay. In Mass. no longer than 30 days. In N.Y. if lateness is due because of physical condition or mental incapacity of claimant.

3/Only one administrative appeal.

4/Appeal taken from redetermination.

5/Refers to nonmonetary determination--allows 15 days for claimant or ER located in Alaska, Hawaii, or P.R.

7/Within 6 days from date of return receipt of registered mail.

8/Referee may reconsider decision: within 30 days after service in absence of appeal for judicial review, Hawaii; within 30 days after mailing, Mich.; within 10 days after mailing of a referee's decision or within 30 days after mailing of board's decision, provided jurisdiction has not been removed to a higher authority, Ohio; within 30 days of delivery or mailing if no appeal to board of review, Tenn.

9/Or 3 administrative law judges assigned by board; member of board; the board.

Table 502.--Appeals Authorities and Time Limitation for Review
B.--JUDICIAL REVIEW

State	Number of days for filing[1]			Judicial Review
	After delivery	After mailing	Other	
	of 2d state appeal decision			
(1)	(2)	(3)	(4)	(5)
Ala.	. . . .	10+10	. . . .	Circuit Court.[2]
Alaska	. . . .	. . . .	30[8]	Superior Court.
Ariz.	30	30	. . . .	Court of Appeals.
Ark.	20	20	. . . .	Court of Appeals.
Calif.	. . . .	. . . .	6 mo.[8]	Superior Court.[3]
Colo.	. . . .	15+20[4]	. . . .	Court of Appeals.
Conn.	. . . .	31	. . . .	Superior Court.[2] or [7]
Del.	10+10	10+10	. . . .	Superior Court.
D.C.	. . . .	. . . .	30[8]	D.C. Court of Appeals.
Fla.	. . . .	. . . .	30[8]	District Court of Appeals.[5]
Ga.	10+10	10+10	. . . .	Superior Court.[7]
Hawaii	. . . .	. . . .	30[6][8]	Circuit Court.[2] or [7]
Idaho	30	30	. . . .	Supreme Court.
Ill.	. . . .	35	. . . .	Circuit Court.[2] or [11]
Ind.	. . . .	15[9]	. . . .	Appellate Court.
Iowa	10+20	10+20	. . . .	District Court.[2] or [7]
Kans.	. . . .	12	. . . .	District Court.[2] or [11]
Ky.	. . . .	. . . .	20[8]	Circuit Court.[7]
La.	15	15	. . . .	District Court.[2]
Maine	10+15	10+15	. . . .	Superior Court.[2]
Md.	30	30	. . . .	Circuit Court of county or Superior Court of Baltimore.
Mass.	. . . .	30	. . . .	District Court.[2] or [7]
Mich.	. . . .	30	. . . .	Circuit Court.[2][7][11]
Minn.	. . . .	30	. . . .	Court of Appeals
Miss.	10+10	10+10	. . . .	Circuit Court.[2]
Mo.	10+10	10+10	. . . .	Circuit Court.[2]
Mont.	. . . .	30	. . . .	District Court.[2]
Nebr.	. . . .	5+30[6]	. . . .	District Court.[2] or [7]
Nev.	10+10	10+10	. . . .	District Court.[5]
N.H.	. . . .	30	. . . .	Supreme Court.
N.J.	. . . .	45[3]	. . . .	Superior Court, Appellate Division.
N.Mex.	. . . .	. . . .	15[8]	District Court.[2]
N.Y.	30	30	. . . .	Supreme Court, Appellate Division, Third Department.
N.C.	30[4]	30[4]	. . . .	Superior Court.[2]
N.Dak.	30	30	. . . .	District Court of Burleigh County.
Ohio	. . . .	30	. . . .	Court of Common Pleas.[2][7][11]
Okla.	. . . .	10	. . . .	District Court.[2]
Oreg.	. . . .	. . . .	30[8]	Circuit Court.

(Table continued on next page)

Table 502.--Appeals Authorities and Time Limitation for Review
B.--JUDICIAL REVIEW (Continued)

State	Number of days for filing[1]			Judicial Review
	After delivery	After mailing	Other	
	of 2d state appeal decision			
(1)	(2)	(3)	(4)	(5)
Pa.	. . . .	15+30	. . . .	Commonwealth Court.
P.R.	10	10	. . . .	Superior Court.[2]
R.I.	15	15	. . . .	Superior Court of Providence or Bristol.[or 2]
S.C.	10+10	10+10	. . . .	Court of Common Pleas.[2] or [7]
S.Dak.	. . . .	. . . .	[12]	Circuit Court.
Tenn.	10+10	10+10	. . . .	Chancery Court.[2]
Tex.	. . . .	10+10	. . . .	County Court.[2]
Utah	10+10	10+10	. . . .	Supreme Court.
Vt.	. . . .	. . . .	30[8]	Supreme Court.
Va.	10+10	10+10	. . . .	Circuit Court.
V.I.	30	30	. . . .	District Court of the Virgin Islands.
Wash.	30	30	. . . .	Superior Court.[2]
W.Va.	. . . .	30+20[10]	. . . .	Circuit Court of Kanawha County.
Wis.	. . . .	30	. . . .	Circuit Court of Dane County.
Wyo.	10	10	. . . .	District Court of Natrona County.[or 2] or [11]

[1] Where two figures are shown, first figure is number of days after which decision is final and is time claimant has to exhaust actions before administrative appeal bodies; second figure is additional time allowed to seek judicial review.

[2] In county in which claimant resides. Non-resident may file suit in: Circuit Court of Cook County, Ill.; District Court of Polk County, Iowa; Shawnee County District Court, Kans.; Circuit Court of Cole County, Mo.; District Court of Oklahoma County, Okla.; Travis County Court, Tex. Claimant has option of filing appeal in Hartford, Conn. Appeals on intrastate claims filed in petitioners choice of Thurston County or county of residence or business; appeals on interstate claims in Thurston County, Wash. County in which plaintiff lives or does business, Maine.

[3] By court rule, no statutory provision.

[4] Claimant must appeal to commission for a review within 15 days before appeal to court, Colo.; claimant must file a notice of intent to appeal before decision is final, N.C.

[5] Where claim was filed.

[6] No further administrative appeal; in Hawaii 30 days after service of referee's decision.

[7] In county or city in which the claimant last worked.

(Footnotes continued on next page)

(Footnotes for Table 502-B continued)

8/After date of decision, Hawaii, Ky.; after decision has become final, D.C., and S.Dak.; after decision is served, Oreg.; within 30 days after date of entry of decision, (time prescribed by Alaska appellate rules), Alaska; within 30 days after date of entry of decision, (time prescribed by Fla. appellate rules), Fla.; after notification or mailing of decision, N.Mex.; after notice of appeal is filed, Vt.; date of decision or date on which the decision is designated a precedent decision, whichever is later, Calif.

9/Or 30 days from date of notice of intention to appeal made within the 15-day period.

10/Appeals involving a labor dispute must be filed within 20 days after mailing of Board's decision.

11/In county in which business is located.

12/Not specified in the unemployment insurance law.

600. Temporary Disability Insurance Coordinated with Unemployment Insurance

Four State programs--in California, New Jersey, Puerto Rico, and Rhode Island--administered by the State employment security agency in coordination with unemployment insurance provide benefits for unemployment due to disability. The Hawaii law is administered separately from unemployment insurance by the Temporary Disability Insurance Division of the Department of Labor and Industrial Relations, and the New York law is administered by the workmen's compensation board. Since only six States have such laws, the discussion does not lend itself to presentation in tables of the type used in chapters 100 through 500. A seventh program, established by the Congress for the railroad industry, is not discussed here since it is solely a Federal program.

There is no basis in Federal law for a Federal-State system of disability insurance comparable to the Federal-State system of unemployment insurance. The Social Security Act was amended in 1946, however, to provide that the amount of employee contributions to the unemployment fund of a State may be withdrawn for the payment of disability benefits. Only nine States could benefit by this provision (sec. 205.04).

Rhode Island passed the first such law in 1942; California followed in 1946; New Jersey in 1948; New York in 1949; Puerto Rico in 1968; and Hawaii in 1969. In California, the benefits are called unemployment compensation disability benefits; in Hawaii, New Jersey and Rhode Island, temporary disability benefits; and in New York and Puerto Rico, disability benefits. In all cases the benefits are cash payments to replace, for a limited time, a part of the wages lost by insured workers unemployed because of sickness or injury.

California, Puerto Rico, and Rhode Island provide one program of benefits without regard to whether workers are employed, unemployed, or in noncovered employment when their disability begins. Hawaii, New Jersey and New York provide two separate systems of disability benefits, one for individuals who suffer disability while employed or shortly thereafter, and another for those who become disabled while unemployed. The New Jersey program for disability during unemployment also covers workers with base period wages in covered employment whose disabilities begin while they are in noncovered employment; New York does not pay benefits to such workers.

605 Definition of Disability

The scope of the program depends in part on the types of disability which are compensable. The intent of the laws is to compensate for non-work-connected sickness or injury. This purpose is achieved through the definition of disability or through other eligibility conditions. (See the discussion of relationship to workers' compensation payments, sec. 625.02.)

DISABILITY

In general, the laws define disability in terms of the inability of an individual to perform the regular or customary work because of the individual's physical or mental condition. California also specifically includes individuals suspected of being infected with a communicable disease, acute alcoholics, and drug addicts undergoing treatment. The Puerto Rico law and two of the special systems for the disabled unemployed, in New Jersey and New York, contain more strict requirements with respect to disability during unemployment. The New Jersey law provides that the claimant must be unable to perform any work for remuneration, and the New York law that the claimant must be unable to perform any work for which the worker is reasonably qualified by training and experience. The Puerto Rico law provides that disability during unemployment means the inability of a worker to fulfill the duties of any employment for which the individual is reasonably qualified by training and experience.

605.01 TYPES OF DISABILITY EXCLUDED.--In Puerto Rico benefits are not payable for disability caused by or in relation to abortion in cases performed for medical reasons or in cases where complications have arisen due to abortion.

Hawaii, New Jersey, New York, and Puerto Rico have provisions excluding payments for disability caused by willful, intentional, self-inflicted injuries, or acquired in the perpetration of an illegal act. New York also excludes disabilities resulting from an act of war after June 30, 1950, or caused by an automobile. California and Puerto Rico prohibit payments for any period of confinement in an institution as a drug addict, dipsomaniac, or sexual psychopath. California also prohibits payment whenever legal custody is the cause of unemployment.

605.02 UNINTERRUPTED PERIOD OF DISABILITY.--All of the States except Rhode Island have defined consecutive periods of disability resulting from the same or related cause or condition. California and Hawaii provide that two consecutive periods of disability as a result of the same or related cause, and separated by a period of not more than 14 days, shall be considered as one disability benefit period. New Jersey provides that such two periods shall be considered as one continuous period of disability if the individual has earned wages during such 14 days with the last employer. New York provides that two such consecutive periods of disability shall be considered as one if separated by less than 3 months; in Puerto Rico if by less than 90 days.

610 Coverage

In no State is coverage under the disability insurance program identical with that of the unemployment insurance program. In New Jersey, California and Rhode Island individuals who depend on prayer or spiritual means for healing may elect not to be covered by the contribution and benefit provisions of the disability laws. In addition to this exemption, the several States have other differences in coverage from the unemployment insurance law. In California self-employed individuals who are not otherwise subject to the law may, under specified conditions, elect to become liable. Also, local public entities and agencies may elect to be covered by the program. In Hawaii coverage is the same as under the unemployment insurance law, except that small agricultural employers are covered for disability purposes but not for unemployment insurance. In New York coverage is not identical with that of either the unemployment insurance program or the workers' compensation program.

Employers of one or more workers in 30 days are covered excluding employers of domestic service whose employee works less than 40 hours per week. Maritime service and service for State governmental units now covered by the unemployment insurance law are excluded, but public authorities and municipal corporations may elect disability coverage for their employees. Also excludes an executive officer of a corporation who at all times during the period involved owns all of the issued and outstanding stock of the corporation and holds an office in the corporation or an executive officer of an incorporated religious, charitable or educational institution. Individual workers who are entitled to receive primary old-age and survivors insurance benefits may elect not to be covered by the program. In Rhode Island, State and local government employees are covered by the unemployment insurance law but not by the disability law, but any governmental entity except the State and its instrumentalities may elect coverage. In New Jersey any governmental entity or instrumentality may elect coverage if covered under the unemployment insurance law.

615 Financing

In California, New Jersey, and Rhode Island, the programs--both benefits and administration--originally were financed wholly or mainly by employee contributions which formerly went to unemployment insurance. In addition to providing that current employee contributions are deposited in the disability fund, the legislatures of these States provided for the transfer to the disability fund of some or all of the employee contributions collected under the unemployment insurance law. Hawaii, New York and Puerto Rico did not have employee contributions for unemployment insurance from which to draw.

615.01 TYPE OF FUND.--In Rhode Island all contributions are paid into a pooled State fund and all benefits are paid from that fund. In California, New Jersey, and Puerto Rico, coverage under a private plan (usually with an insurance company) may be substituted for coverage under the State fund if the private plan is approved by the agency as meeting certain requirements of the law. Contributions are then paid into the private plan and benefits are paid by it, generally one for disabilities beginning during employment or shortly thereafter. In Puerto Rico benefits under a private plan are paid to individuals for periods of disability that begin during unemployment or while employed in noninsured work.

The Hawaii and New York laws are similar to an employer-liability law in that they require employers to take positive action to provide disability insurance for their workers--with employees contributing to the cost. In New York the employer may provide the protection through self-insurance, or through buying an insurance contract from either a private insurance company or the State insurance fund, which is a State-operated competitive carrier originally organized for worker's compensation. Also, there is a special fund for disability benefits, operated by the State, for benefits to the disabled unemployed. In Hawaii an employer may provide protection through private plans with an authorized insurance carrier or through approved self-financing. In addition, there is a special State fund for unemployed workers and employees of bankrupt or non-complying employers.

615.02 AMOUNT OF CONTRIBUTIONS.--In California all employees covered by the State fund pay no more than 1.2 percent or less than 0.1 percent. In addition, a self-employed person in California, whose application for coverage has been approved, is required to make contributions at the rate of 1.25 percent of wages (deemed to be $5,475 a quarter). In Rhode Island all employees (except those who have elected not to be covered on religious grounds) pay 1.0 percent up to 70 percent of the average annual wage in work covered by the disability law. In New Jersey employees covered by the State fund pay 4/9 of contributions if the rate is 1.125 percent and 4/5 of the contribution if the rate is 0.625 percent for disability insurance on wages up to $12,000. Employers under the State fund pay a basic rate of 0.5 percent subject to experience rating; an employer's rate may decrease to 0.1 percent or increase to 1.1 percent on the basis of his reserve ratio (sec. 220.01) and the status of the fund as a whole. Employees covered by private plans in California, New Jersey, and Puerto Rico cannot be required to pay higher contributions than they would pay to the State fund, nor in Puerto Rico can they be required to contribute more than the employer.

For benefits not exceeding statutory benefits, New York employees may be required to pay 0.5 percent on the first $120 of weekly wages (i.e., not more than 60 cents a week); any additional costs are paid by employers. Employee contributions in Hawaii are limited to half the cost of providing benefits but not more than 0.5 percent of weekly earnings up to the annually computed taxable wage base. The balance is paid by the employer. In Puerto Rico both employers and employees pay 0.5 percent of the worker's wages up to $9,000.

615.03 FINANCING BENEFITS FOR DISABILITY DURING UNEMPLOYMENT.--In Rhode Island all benefits are paid from the State fund with no distinction between disabilities beginning during employment and those beginning during unemployment. In California, where contracting out is permitted, there is no distinction between the amount of benefits payable to the employed and the unemployed, but the latter are charged to a special account in the State fund whether the workers were covered by the State plan or a private plan when employed. Each voluntary plan pays 0.12 percent into the State fund to finance benefits to persons who are either unemployed or in noncovered work at the time their period of disability commences. In Puerto Rico private plans must finance some or all of the disability benefits payable to workers for periods of disability that begin during unemployment or employment in uninsured work.

The separate New Jersey program for disability during unemployment is financed principally by interest on employee contributions withdrawn from the unemployment trust fund. Additional costs of such benefits may be assessed against all employers, up to 0.1 percent of taxable wages.

Hawaii levied a temporary contribution rate of 0.2 percent on the taxable wages of subject employers from July to December 1969 in order to establish the Special Disability Fund from which benefits are paid during unemployment. Additional amounts will be assessed against insurance carriers and self-insured employers as needed.

In New York a temporary contribution from January 1 to July 1, 1950, of 0.1 percent on the first $60 weekly wages by both employers and employees (i.e., not more than 6 cents a week each) established the fund from which benefits first were paid for disability during unemployment. This fund has been maintained at $12 million (by statute) by interest earned by the fund, by certain fines and penalties, and, when necessary, by an assessment against all carriers including the State fund.

615.04 ADMINISTRATIVE COSTS.--Administrative costs under five programs are paid from the contributions; in Hawaii such costs are paid from general revenue. Under the terms of the Social Security Act, employee contributions withdrawn from the unemployment trust fund are not available for payment of costs of administration. The Rhode Island law provides for crediting to the administration account 6 percent of the amounts currently collected, and New Jersey 0.01 percent of taxable wages. In California and Puerto Rico necessary administrative expenses, as determined by the State director of finance (California), or the Secretary of Labor (Puerto Rico), are withdrawn from the disability fund and each private plan is assessed a share of the total amount expended for added administrative work arising out of the voluntary plans.

New Jersey employers covered by the State fund pay an extra assessment for the costs of maintaining separate accounts for experience-rating purposes. In New Jersey employers with private plans are assessed the additional administrative costs attributable to private plans in proportion to covered wages, with a maximum annual assessment of 0.5 percent of wages. Included in this assessment is a prorated share of the administrative costs of the system for the unemployed.

In New York the State insurance fund as a carrier is limited to 25 percent of contributions for administrative expenses. The administrative costs to the State of the programs for both employed and unemployed workers, not including the expenses of the State fund as a carrier, are assessed against all carriers, including the State fund, in proportion to covered wages with no limit.

620 Benefit Provisions

Benefits have been payable in Rhode Island since April 1943; in California since December 1946; in New Jersey since January 1949; in New York since July 1950; in Puerto Rico since July 1969; and in Hawaii since January 1970. In New Jersey and Rhode Island the benefit formula is similar to that for unemployment insurance (Table 600). In Puerto Rico the schedule is the same as that for unemployment insurance for weekly benefit amounts up to $59. For amounts above $59 Puerto Rico uses an annual-wage formula instead of a high-quarter formula. (For a discussion of the different types of benefit formulas see sec. 320.01.) In California, Hawaii and New York the formula is different. In all States eligibility for benefits depends on proof of disability and continuance of such disability (sec. 630).

620.01 BENEFIT YEAR AND BASE PERIOD.--In Rhode Island a claim for disability benefits establishes a disabilty benefit year. As in unemployment insurance, the base period is the 52 calendar weeks ending with the second week immediately preceding the benefit year, but benefit years for unemployment and for disability run separately.

In Hawaii there is no base period but benefits are based on earnings during the four completed calendar quarters immediately preceding the first day of disability. The benefit year is the 1-year period beginning with the first week of disability for which a valid claim is filed.

In California and Puerto Rico there is no benefit year; benefit rights are determined with respect to each continuous period of disability established by a valid claim. However, Puerto Rico limits benefit rights in terms of any period of 52 consecutive calendar weeks. The base period in both States is the same as in unemployment insurance. If the claimant has an unexpired unemployment benefit year, the unemployment insurance base period is used. In addition, California permits the spouse of a mentally unable claimant who would be eligible for benefits to file a claim for the claimant. In the New York law and under the New Jersey provisions for disability during employment, there is no benefit year or base period as used in unemployment insurance. Benefit rights are limited in terms of any 52 consecutive weeks and of any 12-month period, respectively, and different periods are used to determine the weekly benefit amount and wage qualification (sec. 620.02).

New Jersey claimants who have been out of covered employment for 2 weeks or more and are eligible for unemployment insurance except for their disability, ordinarily have an unexpired benefit year established by a claimant for unemployment benefits, which is used for disability. If they do not have an established benefit year--for example, if they were in noncovered employment when the disability began--a claim for disability benefits starts a benefit year for unemployment insurance as well as for disability during unemployment. The base period is the 52 calendar weeks preceding the disability, similar to the unemployment insurance formula.

620.02 QUALIFYING WAGES OR EMPLOYMENT.--Rhode Island requires earnings of 20 times the minimum hourly wage in each of 20 weeks or $4,020 in total wages in the base period. New Jersey, 20 weeks in which wages from a covered employer were 20 percent of statewide average weekly wage or more. Workers in California may qualify for benefits with $300 in earnings. In Puerto Rico the wage qualifications are the same as for unemployment insurance up to $59. Higher disability benefits are based on a percentage of the claimant's annual wage. There is no high-quarter requirement for claimants with a weekly benefit of $60 or more. In New York an employed individual is eligible for disability benefits after 4 consecutive weeks of employment with a subject employer and continues to be covered for 4 weeks after termination of such employment. Any unemployed individual who has not had 5 days' exempt work since his last covered employment is eligible for disability benefits (1) if he is drawing unemployment benefits at the beginning of his disability and becomes ineligible for such benefits solely because of his disability; or (2) if he has insufficient base-period wages to qualify for unemployment benefits (Table 301) but has earned at least $13 a week in covered employment for 20 weeks within 30 weeks prior to his last day in covered employment. In Hawaii the requirement is 14 weeks of employment with at least 20 hours in each week and wages of $400 during the four completed calendar quarters immediately preceding the first day of disability.

620.03 WEEKLY BENEFIT AMOUNT AND DURATION OF BENEFITS.--In New Jersey, which computes the individual's weekly benefit amount as two-thirds of his average weekly wage, weekly benefits range from $20 to an amount computed annually based on 53 percent of the statewide average weekly wage in the preceding calendar year. Duration for employed workers is 8+ to 26 weeks in any 12 consecutive months, depending on the number of base weeks of employment. Duration for unemployed workers is computed in the same manner, using a different period, and is entirely separate from disability benefits during employment. The combined duration of benefits under disability during unemployment and under unemployment insurance is limited to 150 percent of duration for either program separately.

In California weekly benefits are based on a schedule of high-quarter wages which differs from that used for unemployment so that almost every level of wages, weekly benefits will be higher for disability. The duration formula for any one period of disability also differs from that used for unemployment paying the lesser of 39 weeks or three-fourths of the claimant's base-period wages. Until January 1, 1990, the duration formula will be the lesser of 52 weeks or the total of the claimant's base-period wages.

New York bases weekly benefits on one-half of the claimant's average wages in the last 8 weeks of covered employment prior to the disability. If the average weekly wage is less than $20, the weekly benefit amount is the average weekly wage. The maximum is $135 and minimum if $20. Duration is limited to 26 weeks in any 52-consecutive-week period.

Rhode Island computes weekly benefits at 60 percent of the claimant's average weekly wages plus the greater of $5 or 5 percent of the individual's benefit rate for each dependent child under 18, or older if unable to work because of mental or physical incapacity, up to 5 dependents. The maximum weekly benefit amount is computed annually at 70 percent of the State's average weekly wage in covered employment. Duration, depending on the number of weeks of employment, ranges from 12 to 30 weeks.

Puerto Rico computes the weekly benefit amount, up to $59, according to the same schedule as that used for unemployment insurance. Weekly benefit amounts from $59 to the maximum of $104 are provided under a schedule in the law. Duration is limited to 26 weeks in any 52 consecutive calendar weeks.

In Hawaii the weekly benefit amount of a claimant whose average weekly wage is less than $26 is his average weekly wage up to a maximum of $14. For a claimant with an average weekly wage of $26 or more, the weekly benefit amount is 55 percent of his average weekly wage up to the maximum for unemployment benefits; i.e., 66-2/3 percent of the State average weekly wage. Duration is a uniform 26 weeks for all claimants who were in current employment at the time of disability. An unemployed claimant may receive benefits for no more than 26 weeks from the time he first received unemployment benefits.

620.04 WAITING PERIOD.--Under the New Jersey program of benefits to the unemployed disabled, 1 week of unemployment or of disability in a benefit year satisfies the waiting-period requirement for both disability and unemployment insurance purposes. The waiting week is compensable after benefits have been paid for 3 consecutive weeks. In Rhode Island only 1 waiting week is required in the benefit year, however, the waiting week may become compensable under certain conditions. In California, Hawaii, and New York, a waiting week of 7 consecutive days of disability is required for each continuous period of disability. In Puerto Rico a 7-day waiting period is provided; however, if a claimant is confined to the hospital within the first 7 days of disability, benefits will be payable from the first day of such confinement. No waiting period is required for agricultural workers who become disabled during a continuous period of unemployment. A continuous period of disability is defined in the State laws as successive periods of disability as a result of the same or a related cause separated by not more than 14 days in California, Hawaii and New Jersey, and by less than 3 months in New York and Puerto Rico. In California no waiting period is required to establish eligibility for hospital or nursing home payments or for disability benefits during the disability that caused the hospitalization or confinement in a nursing home. In addition, the waiting period is waived if the individual is unemployed and disabled for more than 21 days during the disability benefit period or if the individual receives treatment in a surgical clinic that requires a stay of less than 24 hours.

In the New York and Puerto Rico programs for compensating individuals who would be eligible for unemployment insurance if it were not for their disability, only the waiting week of unemployment that established eligibility for unemployment benefits is required.

620.05 PART WEEKS OF DISABILITY.--In the disability programs, benefits are paid for part weeks on a different basis from partial unemployment, except in the New Jersey program for compensating disability during unemployment. Rhode Island pays at the rate of one-fifth of the weekly benefit for not more than 4 days of disability to individuals who have served a waiting period or who are in receipt of benefits if the disability ends prior to the end of a benefit week. California, New Jersey, and Puerto Rico compensate at one-seventh of the weekly benefit for consecutive days of disability following a waiting week or compensable week. Hawaii and New York compute a daily rate on the basis of the normal number of workdays per week.

620.06 BENEFITS UNDER PRIVATE PLANS.--The California law requires that private plans provide benefit rights greater than those under the State plan in all respects. In Hawaii, New Jersey, and Puerto Rico, private plan benefits must be at least as favorable as those under the State plans. Hawaii permits deviation from statutory benefits if the benefits provided under the private plan are actuarially equal or better. In New York adherence to a statutory formula is not required whether workers are insured with the State fund or with a private carrier. Benefits must be actuarially equivalent to the statutory formula. Cash benefits in the formula outlined above may be reduced if the plan of insurance includes a shorter waiting period or other benefits, such as hospitalization benefits; weekly benefits may be less than 50 percent of wages if maximum duration is more than 26 weeks. Employees may be required to pay more than 0.5 percent if additional benefits warrant the extra cost.

620.07 SURVIVORS' BENEFITS.--In California and New Jersey, if a claim for disability benefits was not filed by an otherwise eligible individual prior to his death, a claim may be filed by a person who legally would be entitled to such benefits. Puerto Rico provides a lump sum death benefit of $3,000 to dependents of workers. Death benefits are payable upon the sudden death of an insured worker from injuries or an accident compensable under the law, or death resulting within 52 weeks after a disability began because of sickness or injury. However, benefits may not be paid for death or injury caused by an automobile accident that is covered under the Automobile Accident Social Protection Act.

625 Disqualifications and Nonmonetary Eligibility Provisions

625.01 ELIGIBILITY REQUIREMENTS IN ADDITION TO WAGES.--Under all the programs claimants must be unemployed because of disability, and they may be declared ineligible if they withdrew from the labor force for reasons other than disability. In New Jersey a covered governmental employee must exhaust all sick leave before becoming eligible for disability benefits. A disability claimant in Hawaii must be in current employment; i.e., an individual who was performing regular service not longer than 2 weeks prior to the onset of the disability and who would have continued in employment but for the disability. In addition, a disability claimant is ineligible for benefits for any period in which he would be disqualified for unemployment insurance because of a labor dispute or for any period in which he performed work for remuneration, was unemployed because of an intentional self-inflicted injury, or attempted to obtain benefits through fraud or failure to file a claim for disability benefits within 90 days after the commencement of the period of disability or as soon as is reasonably possible. New Jersey and Hawaii claimants for disability during unemployment must meet all the requirements for unemployment insurance except ability to work; they are not eligible for disability benefits for any week of disability more than 26 weeks after the last week of covered employment. New Jersey claimants for benefits for disability beginning during employment also are ineligible if they would be disqualified for unemployment insurance benefits because of a labor dispute, unless the disability began before the disqualification. A California claimant who has been disqualified from unemployment insurance is presumed to be disqualified from disability benefits for such weeks unless he establishes that he is suffering a bona fide illness or injury and the agency finds that there is good cause for paying such benefits. However, a claimant who is otherwise eligible for disability benefits is not disqualified from receiving those benefits because of a labor dispute disqualification for unemployment insurance.

Although the benefit formula in New York is not related to the benefit formula for unemployment insurance, individuals who are or would be disqualified from unemployment insurance benefits are disqualified for disability insurance benefits.

625.02 RELATIONSHIP TO WORKER'S COMPENSATION.--None of the laws is intended to replace worker's compensation, although the relationship between the two programs differs.

In California a claimant who is receiving or is entitled to receive worker's compensation for the same temporary disability is not eligible for disability benefits unless the disability benefit is higher than the weekly worker's compensation payment; in that case, he is entitled to the difference from the disability fund. If his eligibility for worker's compensation has not been determined, he may receive disability benefits subject to reimbursement from any worker's compensation benefits subsequently awarded for that week. Full benefits are payable irrespective of cash payments under a worker's compensation law for permanent disability.

Hawaii does not permit duplication of benefits unless a claimant is receiving worker's compensation payments for permanent partial or total disability previously incurred. However, if a claimant's right to benefits under worker's compensation is seriously disputed, the individual may receive disability benefits until his disability becomes compensable under worker's compensation. If a claimant subsequently receives worker's compensation payments, these payments are proportionately allocated among employer or insurers according to the amount of disability benefits paid by them.

In New Jersey both the definition of disability and the eligibility conditions exclude disability benefits for any week for which worker's compensation, other than for permanent total or partial disability, is payable. However, if a claim for worker's compensation is contested, temporary disability benefits may be paid to an otherwise eligible claimant until his disability becomes compensable under the worker's compensation law.

The New York law defines disability to exclude illnesses or accidents arising out of or in the course of employment, whether or not worker's compensation is payable. It further provides that no benefits are payable for any period with respect to which worker's compensation, other than permanent partial benefits for a prior disability, is paid or payable. In Puerto Rico and Rhode Island a claimant may receive disability benefits if there is doubt as to his eligibility for worker's compensation. If he later receives such benefits, he is liable for repayment of the disability benefits. Puerto Rico limits to $40 the maximum weekly benefit amount payable while a claim for worker's compensation is under dispute, although, if the claimant is later found eligible for disability benefits, his claim will be recomputed. In addition, in Puerto Rico no disqualification is applicable if the worker's compensation payment was made on account of partial permanent disability occurring prior to the disability for which disability benefits are claimed.

625.03 EFFECT OF OTHER TYPES OF INCOME ON ELIGIBILITY.--Other types of income that affect eligibility include wages, employer pensions, old-age and survivors insurance benefits.

In Rhode Island a claimant who is not working because of illness is eligible for benefits even though he is receiving regular wages or a part thereof. New Jersey and Puerto Rico take such wages into account and limit the total of wages and benefits to the claimant's weekly wages immediately prior to the disability. In Puerto Rico a pregnant worker may not be paid during any period in which she is receiving benefits under the Act to Protect Working Mothers, unless such benefits are less than her weekly disability benefit amount, in which case she may receive the difference. California provides that the daily combination of such wages and

disability benefits shall not exceed one-seventh of the claimant's weekly wage, excluding overtime pay, immediately prior to the disability. New York deducts from the benefits any payment from the employer or from a fund to which the employer contributes, except supplementary benefits paid pursuant to a collective bargaining agreement. New Jersey applies the unemployment insurance formula for partial benefits (sec. 325) to claimants receiving disability benefits during unemployment. Also, a claimant's disability benefit is reduced by the amount of any pension plan to which his most recent employer has contributed. In Puerto Rico any claimant receiving any pension payments or retirement income is denied benefits unless subsequent to receipt of the pension or retirement payment he has performed services in insured work for at least 15 weeks immediately preceding the disability.

630 Administration

The systems of disability insurance coordinated with unemployment insurance use the same wage record procedures for both programs. Claims procedures, however, necessarily differ for unemployment insurance claimants and for claimants who are not able to work. Disability claims are filed by mail. The first claim or notice of disability is normally filed after the end of the first week of disability. All claims are sent to the central office in New Jersey and Rhode Island. In California the first claim in any period of disability as well as continued claims are sent directly to one of the field offices. In New York employed workers file claims with their employers, and unemployed workers with the worker's compensation board.

Under all the laws, medical certification of disability in connection with claims is required from the claimant's attending doctor, with minor differences in the types of medical personnel permitted to certify. California, Hawaii and New York accept certification from an authorized religious practitioner with respect to the illness of a member of his group. All the State laws give the agency authority to require that claimants, without cost to themselves, submit to examination by a designated licensed physician.

Claimants who are dissatisfied with determinations on their disability claims have the right to appeal under all State laws. In the States with disability and unemployment insurance coordinated, the appeal is to the unemployment insurance appeal bodies (sec. 515-515.02); in New York, to the worker's compensation board; and in Hawaii to the referee for temporary disability benefits. In the States with private plans, a private-plan claimant may also appeal to the State unemployment appeal tribunal.

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Table 600.--Significant Provisions of Temporary Disability Insurance Laws

Provisions	California	Hawaii		New Jersey	
		Employed workers	Unemployed workers	Employed workers	Unemployed workers
(1)	(2)	(3)	(4)	(5)	(6)
Benefit formula.	Differs from UI.	Differs from UI.	Same as UI.	Differs from UI.	Same as UI.
Benefit year.	No BY. Rights determined with respect to continuous disability period established by valid claim.	1-yr. period beginning with 1st week of disability for which valid claim is filed.	UI Benefit year.	No BY but statutory min. and max. benefits in any 12-month period.	Individual, beginning with valid claim. Valid claim for either disability during unemployment or for UI establishes BY for both.
Base period.	Without unexpired UI ben. yr.: first 4 of last 5 CQs preceding disability beginning 2d or 3d month of qtr; or first 4 of last 6 qtrs. preceding disability beginning in 1st month of qtr. With unexpired UI ben. yr.: UI base period.	None. See below for period used for qualifying emplmt. and wba.	UI Base period.	52 calendar weeks immediately preceding calendar week in which disability period began.	52 calendar weeks ending with 2d week immediately preceding individual's BY.
Qualifying wages or employment.	Flat $300.	14 weeks emplmt.-at least 20 hours in each week and wages of $400 during the 4 completed CQs immediately preceding first day of disability		20 base weeks of emplmt. (week in which wages from 1 ER were 20% of statewide aww, currently $86), or 12 x the statewide aww, (currently $5,200) raised to the higher $100. in BPW.	20 weeks of emplmt. week in which wages were 20% of statewide aww, currently $86.

Table 600.--Significant Provisions of Temporary Disability Insurance Laws (Continued)

Provisions	New York		Puerto Rico	Rhode Island
	Employed workers	Unemployed workers		
(1)	(2)	(3)	(4)	(5)
Benefit formula.	Completely different from UI.		Same as UI for agricultural and nonagricultural workers up to $59 wba.	Differs from UI.
Benefit year.	No BY; max. benefit limited in terms of any 52 consec. weeks.		No BY; max. benefit limited in terms of any 52 consec. weeks.	Individual, beginning with valid claim for DI.
Base period.	No BP as used in UI. See below for period used for qualifying emplmt. and wba.		First 4 of last 5 completed CQs immediately preceding first day of disability.	52 calendar weeks ending with 2d week immediately preceding BY.
Qualifying wages or employment.	4 or more consec. weeks of covered emplmt. for 1 ER (or 25 days regular part-time emplmt.) prior to commencement of disability.	2 categories of unemployed workers: (1) earned qualifying wages for UI (Table 301)[1/] or (2) not eligible under (1) but earned $13 in covered emplmt. in each of 20 weeks within 30 weeks preceding last day worked in covered emplmt.	Flat $150 in BP	20 x min. hourly wage in each of 20 wks or $4,380 in total BP wages.

Table 600.--Significant Provisions of Temporary Disability Insurance Laws (Continued)

Provisions	California	Hawaii		New Jersey	
		Employed workers	Unemployed workers	Employed workers	Unemployed workers
(1)	(2)	(3)	(4)	(5)	(6)
Weekly benefit amount.	$50-$224 based on schedule of HQW. For almost any amount of HQW, will be higher for DI than for UI.2/	$14-$200. For an aww of less than $26, wba is the aww up to a max. of $14. If aww is $26 or more, wba is 55% of aww with a max. of 66-2/3 percent of aww.	Same as UI.	$45-$226 based on schedule of aww). Aww determined by dividing wages from 1 ER during base weeks in 8 weeks preceding disability by number of such base weeks. If less than average using all emplmt. during last 8 weeks, use earnings from all ERs.	$45-$226 (based on schedule of aww). Aww determined by dividing wages from 1 ER in all base weeks by number of base weeks. If not 20 base weeks with any 1 ER, average base weeks with all ERs.
Duration	6-39 weeks, $300-$8,736 computed as lesser of 39 x wba or 3/4 BPW. Duration separate from UI.	Uniform 26 weeks in BY.	Balance of weeks claimant would have been eligible for benefits in his UI benefit year but not more than 26 weeks.	8+ -26 weeks, $360-$5,876 computed as lesser of 26 x wba or 1/3 BPW. Limit applies to benefits in any 12 consec. month period. Duration separate from UI and from benefits as an unemployed disabled worker.	15-26 weeks, $675-$5,876 computed as 3/4 weeks, but not more than 26 x wba. Duration under UI and disability during unemployment limited to 150% of duration for either program separately.

Table 600.--Significant Provisions of Temporary Disability Insurance Laws (Continued)

Provisions	New York		Puerto Rico	Rhode Island
	Employed workers	Unemployed workers		
(1)	(2)	(3)	(4)	(5)
Weekly benefit amount.	$20-$145 on basis of one-half aww in last 8 weeks, or portion thereof, in covered emplmt. prior to commencement of disability. If average is less than $20, weekly benefit is average wage.		Agricultural workers: $7-$50 based on annual earnings as UI. Non-agricultural workers: $7-$104. Up to $59, same HQ and BPW as UI. For wba of $60 and over, under schedule provided by law.	$37-$236 (60% of individual aww up to 70% of State's aww in preceding CY, plus the greater of $5 or 5% of the individual's benefit rate for each dep. up to 5 deps).
Duration.	Uniform potential 26 weeks in any 52 consec. weeks or for any single period of disability, $520 (or less if wba is less than $20-$3,770. Duration separate from UI.		Uniform potential 26 weeks in any 52 consec. weeks.	12-30 weeks $444-$7,080 computed as 3/5 credit weeks plus DA if any.

Table 600.--Significant Provisions of Temporary Disability Insurance Laws (Continued)

Provisions	California	Hawaii		New Jersey	
		Employed workers	Unemployed workers	Employed workers	Unemployed workers
(1)	(2)	(3)	(4)	(5)	(6)
Waiting period.	7 consec. disability days at beginning of each uninterrupted disability period See below.2/	7 consec. days of disability at beginning of each uninterrupted period of disability.		7 consec. days of disability at beginning of each uninterrupted period of disability. 3/ See below.	7 consec. days of disability or 1 week of unemployment in ben. yr. satisfies waiting-period requirement for both UI and DI during unemployment. 3/
Uninterrupted period of disability.	Consec. disability periods due to same or related cause and separated by not more than 14 days.	Consec. periods of disability due to same or related cause and not separated by an interval of more than 2 weeks.		Consec. periods of disability due to same or related cause and separated by not more than 14 days if individual earned wages from his last ER during the 14-day period.	. . . . .
Part weeks of disability	Benefits paid for each day of disability in excess of 7 in a spell at rate of 1/7 wba.	Daily benefit amount computed on basis of normal number of workdays per week.	Same as UI.	Benefits paid for each day of disability in excess of 7 in a spell at rate of 1/7 wba; payment for part week rounded to next higher dollar.	Payment for part weeks of disability combined with emplmt. paid according to UI formula for partial benefits. Full week of disability and unemployment paid at full wba from disability account.

Table 600.--Significant Provisions of Temporary Disability Insurance Laws (Continued)

Provisions	New York		Puerto Rico	Rhode Island
	Employed workers	Unemployed workers		
(1)	(2)	(3)	(4)	(5)
Waiting period.	7 consec. disability days at beginning of each uninterrupted disability period. See below.	If UI claimant, no other waiting period than that for UI; if not qualified for UI, 7 consec. days of disability at beginning of each uninterrupted disability period. See below.	7 consec. disability days at beginning of each uninterrupted disability period. No waiting period for agricultural workers who become disabled during continuous period of unemployment. 2/	7 consec. disability days at beginning of BY. However, the waiting wk. may become compensable under certain conditions.
Uninterrupted period of disability	Consec. disability periods caused by the same or related injury or sickness, if separated by less than 3 months.		Consec. disability periods caused by same or related illness or injury, if separated by less than 90 days.	. . . . .
Part weeks of disability.	Benefits paid for each day of disability in excess of 7 in a spell. Daily benefit computed on basis of normal number of workdays per week.	Daily benefit computed as if normal workweek were Monday through Friday.	Benefits payable for each day of disability in excess of 7 consec. days computed as 1/7 wba rounded to higher dollar.	Benefits paid for part week of disability following waiting period or receipt of benefits at rate of 1/5 wba for each workday up to 4/5 wba rounded to next higher dollar.

1/ Or averaged at least $30 a week in 15 weeks in last 52-week period and in 40 weeks in last 104-week period.

2/ No waiting period required for regular benefits for hospitalized claimant, Calif., P.R., or for individual unemployed and disabled for more than 21 days, or if the individual receives treatment in a surgical clinic that requires a stay of less than 24 hours, Calif..

3/ Waiting week is compensable after benefits have been paid for 3 consecutive weeks.

700. Unemployment Insurance Based on Service for the United States

Two Federal unemployment insurance programs--one for Federal civilian employées and the other for ex-servicemembers--are provided by Federal law (title 5, chapter 85, U.S. Code--5 U.S.C. 8501 et seq.).

705 Unemployment Compensation for Federal Civilian Employees and for Ex-Servicemembers

Under agreements entered into by the Secretary of Labor and the State employment security agencies, the Federal programs of unemployment compensation for Federal civilian employees and for ex-servicemembers are administered by the State agencies as agents of the United States Government.

Federal civilian and military wages are assigned to the appropriate State agency in accordance with Federal law. Thereafter, eligibility for unemployment insurance benefits and the amount of benefits paid are determined under the applicable State law. Thus, the claims of Federal civilian employees and ex-servicemembers are subject to the same eligibility and disqualification provisions as those filed by individuals claiming benefits under a State unemployment insurance law.

705.01 UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE).--An unemployed Federal civilian worker's eligibility is determined under the unemployment insurance law of the State in which his official duty station was located he last worked in Federal civilian employment or in which subsequent private covered employment was performed in the State of his residence or, if employed outside the United States, under the law of the State in which he resides when filing his claim. If eligible, he is entitled to unemployment benefits in the amounts and under the conditions provided by the State unemployment insurance law. Findings pertaining to Federal civilian employment, wages, and reasons for separation are furnished, upon request, to State agencies by the Federal employing agencies. Each State thereafter determines eligibility for benefits under the provisions of its own unemployment insurance law.

705.02 UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS (UCX).--An ex-servicemember's eligibility for UCX benefits is determined under the unemployment insurance law of the State in which he or she first files a claim which establishes a benefit year after his or her most recent separation from active military service. All qualifying Federal military service that occurred during the State's base period is considered. For benefit purposes, an ex-servicemember's wages are determined on the basis of his or her pay grade on separation, using a schedule issued by the Department of Labor which specifies the applicable remuneration for each pay grade. Benefits are not payable during periods in which the ex-servicemember is eligible to receive certain subsistence or educational assistance allowances from the Veterans' Administration.

To qualify for UCX purposes, an ex-servicemember separated from the military service on or after July 1, 1981, must have completed a full term of active service in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration and must have been discharged or released under honorable conditions; and, if an officer, the individual must not have resigned for the good of the service. In addition, ex-servicemembers discharged or released before completing their first full term of active service will nevertheless have a period of Federal service if separated--(a) for the convenience of the Government under an early release program, (b) because of medical disqualification, pregnancy, parenthood, or service-incurred injury or disability, (c) because of hardship, or (d) because of personality disorder or inaptitude, but only if the service was continuous for 365 days or more.

Continuous active duty in reserve status may be counted in determining if an individual has Federal service, but only if such active duty is continuous for 180 days or longer.

800. Federal Allowance and Readjustment Programs

Since 1972 three continuing Federal programs were enacted to provide assistance or incentive payments to workers either totally or partially unemployed as a result of reasons that cannot be attributed to the actions of any prior employer. Unlike the Federal-State unemployment insurance system, payments under these programs are financed solely through Federal funds and the conditions to be met for payment are governed by Federal law.

805 Trade Readjustment Allowances (TRA)

The Trade Act of 1974, as amended in 1983, is scheduled to expire September 30, 1991, and provides for adjustment assistance to workers who are unemployed or underemployed because of the adverse effect of increased imports as a result of trade arrangements permitted under the Act. Trade adjustment assistance (TAA) provided by the Act consists of trade readjustment allowances (TRA), relocation and job search allowances, and subsistence and transportation allowances during periods of referred training.

The Secretary of Labor has entered into agreements with State employment security agencies whereby such agencies will act as agents for the Federal Government in paying TRA and other allowances to eligible workers. Payments and administrative costs are paid from Federal funds.

805.01 CERTIFICATION PROCESS.--Workers are certified as eligible to apply for TAA if a group of three or more workers, or a certified or recognized union or duly authorized representative petitions the Secretary of Labor for a determination of eligibility to apply for TAA and the Secretary determines that the importation of competitive foreign products was a substantial cause of the loss of employment at the firm mentioned in the worker's petition.

805.02 QUALIFYING REQUIREMENTS.--To qualify for TRA the worker must have had at least 26 weeks of employment at wages of at least $30 a week within the 52-week period ending with the week of his total or partial separation from adversely affected employment. Such 26 weeks of employment must be in adversely affected employment with a single firm or a subdivision of a single firm. Under certain conditions up to 7 weeks of employer authorized leave may be counted toward the 26 week employment requirement. The worker must have been entitled to unemployment insurance in an unemployment insurance benefit period in effect or established after the Trade-qualifying separation, and must have exhausted all rights to any unemployment insurance. The availability and disqualification provisions of the applicable State unemployment insurance law apply to any worker who files a weekly TRA claim. In addition, the worker, except while in approved training, must meet the extended benefits requirements for seeking and accepting labor employment.

805.03 DURATION.--TRA is payable at the State unemployment insurance rate over a 52-week eligibility period beginning after exhaustion of regular State unemployment insurance in the Trade-qualifying unemployment insurance benefit period. Any weeks of unemployment insurance paid or payable in the Trade-qualifying unemployment insurance benefit period are deducted from the 52 weeks of TRA payable. To permit the completion of approved training, up to 26 additional weeks of TRA may be paid.

805.04 SUBSISTENCE AND TRANSPORTATION ALLOWANCES.--An adversely affected worker may receive TRA while undergoing approved training. The worker may also receive subsistence and transportation allowances while attending training at a facility which is not within commuting distance of his residence.

805.05 RELOCATION ALLOWANCES.--Relocation alowances are payable to a totally separated worker who has no reasonable expectation of securing suitable work in the area in which he lives, and who has a bona fide offer of suitable work in the area in which he wishes to relocate. Relocation allowances consist of (1) a lump sum payment of $800 and (2) 90 percent of the expenses incurred in moving the worker, and family and household effects to the location of his new job.

805.06 JOB SEARCH ALLOWANCES.--Job search allowances are payable to a totally separated worker who has no reasonable expectation of securing suitable work in the area in which he lives, and who has a reasonable expectancy of securing suitable employment in the area of the proposed job search. Job search allowances consist of 90 percent of the cost of the necessary expenses incurred in the job search up to a maximum of $800 under a single certification.

810 Work Incentive Program (WIN)

The 1967 amendments to the Social Security Act added a program under Part C of Title IV in connection with Aid to Dependent Children and Unemployed Parents to provide incentive and assistance to appropriate persons to become economically independent through employment.

The Act establishes three priorities of assistance. The first priority is to assist a worker to obtain employment. If the worker cannot immediately be placed in employment he may be placed in training under a second priority. A worker not served under priorities one and two may be placed in special work projects under priority three.

Workers under priority two are provided incentive payments semi-monthly in the amount of $15 per payment. Workers employed in priority three may receive supplemental assistance on a graduated basis related to the amount of public assistance otherwise payable to him taking into account earnings received in his employment in the special work projects. Child care and expense allowances related to his participation in the WIN program also are provided under the Act.

815 Disaster Unemployment Assistance (DUA)

The Disaster Relief Act of 1974, Public Law 93-288, Section 407, authorizes the President to provide to any individual unemployed as a result of a major disaster such assistance as he deems appropriate while the individual is

unemployed. Payments under this Act are made by State unemployment insurance agencies under agreements with the Secretary of Labor. Funds for both assistance payments and administrative costs are provided by the Federal Emergency Management Administration (FEMA) to the Secretary who, in turn, makes them available to the States.

815.01 ELIGIBILITY.--In general, the Regulations provide that individuals living or working those areas affected by a major disaster, who are unemployed because of the disaster, are eligible for DUA if they are not eligible for other wage replacement payments and meet certain requirements. Applications for DUA must be filed within thirty days of the Governor's announcement of a disaster in the State; the unemployment must be directly caused by the disaster; and individuals must be able and available for suitable work.

815.02 DISASTER ASSISTANCE PERIOD.--The disaster assistance period begins with the first week following the date the major disaster began. During the disaster assistance period, DUA is available to an individual as long as his unemployment caused by the disaster continues or until he is reemployed in a suitable position, but no longer than one year after the major disaster is declared.

815.03 WEEKLY ASSISTANCE AMOUNT.--Except in the Canal Zone, Guam, American Samoa and the Trust Territory of the Pacific Islands, the weekly disaster unemployment assistance amount is whichever of the following is greater: (1) the amount of the average weekly regular unemployment compensation payment (including allowances for dependents) in the State in which the major disaster occurred; or (2) the weekly amount to which an individual would have been entitled under the State law for a week of total unemployment had all his work and wages been included as employment and wages under such State law.

815.04 DEDUCTIONS.--The disaster unemployment assistance payable to an applicant for a week shall be reduced by the amount of any of the following that an applicant has received for the week or would receive the the week if he filed a claim or application: (1) regular, additional, or extended unemployment compensation; (2) trade readjustment allowances; (3) any compensation or insurance from any source for loss of wages due to illness or disability; (4) supplemental unemployment benefits (SUB) pursuant to a collective bargaining agreement; (5) private income protection; (6) worker's compensation by virtue of death of head of household; and (7) the amount of retirement pension or annuity under a public or private retirement plan or system if such amount is deductible under the State law. In addition, the weekly DUA amount will be reduced by the amount of wages that the applicant earns in a week as determined by applying to the wages the earning allowance for partial or part-total unemployment prescribed by the applicable State law.

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